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The Security Council,

Having considered the question of the recommendation for the appointment of the Secretary-General of the United Nations,

Recommends to the General Assembly that Mr. Ban Ki-moon be appointed Secretary-General of the United Nations for a second term of office from 1 January 2012 to 31 December 2016.

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Distr.: General
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Report of the Secretary-General on children and armed conflict in Iraq

Summary

The present report was prepared pursuant to Security Council resolutions 1612 (2005) and 1882 (2009). It is the first report on the situation of children and armed conflict in Iraq to be presented to the Security Council and its Working Group on Children and Armed Conflict. It covers the period from January 2008 to December 2010.

The report highlights trends and patterns of grave violations committed against children in the context of the continuing conflict in Iraq, such as the recruitment and use of children; including use of children as suicide bombers, the killing and maiming of children and attacks on schools and hospitals. The report also identifies parties to the conflict responsible for such grave violations.

The report appreciates the security challenges facing the United Nations and child protection stakeholders in Iraq, and notes that access to affected populations and children for monitoring and verification purposes was not consistent. The report welcomes the efforts of the Government of Iraq to address some of the child protection concerns during the reporting period. The report also highlights areas for advocacy and response, and concludes with a series of recommendations to all parties in order to address remaining challenges and further enhance child protection.

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I. Introduction

1. The present report, prepared pursuant to Security Council resolutions 1612 (2005) and 1882 (2009), covers the period from January 2008 to December 2010 and highlights trends and patterns of violations committed against children in the context of the continuing conflict in Iraq. It is presented to the Security Council and its Working Group on Children and Armed Conflict as the first country report on Iraq from the country task force on monitoring and reporting, which was formally established in June 2010. The report identifies parties to the conflict responsible for grave violations and abuses committed against children and highlights areas for advocacy and response to enhance the protection of children affected by the conflict in Iraq. The report also contains recommendations to all parties to the conflict.

2. The volatile security environment and the lack of access to affected populations and areas most affected by the conflict have significantly hindered the monitoring and reporting activities during the reporting period. As a result, incidents and trends described below may only reflect some of the grave violations committed against children in Iraq.

3. In March 2009 the annual report of the Secretary-General on children and armed conflict (S/2009/158) listed Al-Qaida in Iraq as a party that recruits, trains and uses children to conduct military-related operations in Iraq. In the same month, the establishment of the country task force on monitoring and reporting for Iraq was endorsed by the United Nations country team. The task force convened for the first time in June 2010 and subsequently met with the Government of Iraq, through the Ministry of Foreign Affairs, to formally introduce it to the monitoring and reporting process.

II. Political, military and social developments in Iraq

A. General overview

4. Parliamentary elections took place in Iraq in March 2010 and the final result was declared at the end of May 2010. That result was contested and a series of negotiations followed, which led to an agreement by the main political parties and the announcement in December 2010 of a new government led by Prime Minister Al-Maliki.

5. Considerable security challenges remain for the United Nations operations on the ground, which are being addressed in close cooperation with the Iraqi security forces. Movements continued to be limited, including in some areas of Baghdad, with consequences on the overall child protection efforts, as well as monitoring and verification activities. Security of staff also remains compromised. On 25 October 2010, insurgents using explosive devices attacked a convoy carrying my Special Representative for Iraq and the Deputy Special Representative while they were travelling from Najaf. As a result of the attack, two members of the Iraqi security forces died and several others were injured.

6. During the reporting period, security agreements between the Government of the United States of America and the Government of Iraq came into effect, according to which the withdrawal of American troops from Iraq will be completed

by December 2011. The Iraqi security forces have assumed full responsibility for security since June 2009. Civilian casualties as a result of the conflict continued to be high during the reporting period, but have decreased overall from 2008 onwards. In 2008, the Government of Iraq reported that 6,787 civilians were killed and 20,178 wounded, including 376 children killed and 1,594 injured. In 2009, it was reported that 4,068 civilians were killed and 15,935 wounded, including 362 children killed and 1,044 wounded. For the first nine months of 2010, the Government of Iraq reported to the United Nations Assistance Mission for Iraq (UNAMI) 2,558 civilians killed and 11,129 wounded, including 134 children killed and 590 wounded.

7. The humanitarian situation in Iraq has moved from an emergency context to one of fragile early recovery. However, continued violence has destroyed the social services infrastructure and access to basic services, such as water and sanitation, health care and education, remains limited especially for children. Traditional systems of physical, social and legal protection have also been severely compromised by the conflict and, as a result, children have become more vulnerable to exploitation and abuse.

B. Armed forces and armed groups operating in Iraq

Iraqi security forces

Iraqi army

8. The Iraqi Army operates under the authority of the Ministry of Defence. It has a strength of approximately 250,000 soldiers. Under an agreement with the Central Government, the Iraqi Army's area of operations is restricted to governorates outside of the Kurdistan Region of Iraq, where such activities are undertaken by the Peshmerga. Iraq is a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The minimum age of recruitment for the Iraqi army is 18 years.

Iraqi police

9. Formally known as the Iraqi Police Service, the Iraqi police is tasked with law enforcement in Iraq. It is the primary means of the Government of Iraq to address issues of law and order. Under the control of the Ministry of the Interior, the Iraqi police has a strength of approximately 400,000 uniformed officers. The Iraqi police also has a branch within its services known as the Federal Police, which is tasked to fight terrorism and armed groups and addresses the gap between the civilian police and the Iraqi military. The minimum age of recruitment for the Iraqi police is 18. The area of operations of the Iraqi police is restricted to governorates outside of the Kurdistan Region of Iraq, where such activities are undertaken by the Kurdistan Region police.

Peshmerga

10. The Peshmerga is the armed force of the Kurdistan Regional Government and is part of the Iraqi federal defence structure, with strength of approximately 200,000 soldiers. It is based in the Kurdistan Region of Iraq, but, at the request of the Government of Iraq, it has deployed units to areas outside of the region, including Mosul and Baghdad, to assist the Iraqi security forces. Additionally, the Peshmerga

is present in areas with contested administrative boundaries, such as Kirkuk, Diyala and Ninewa Governorates.

The Awakening Councils

11. The Awakening Councils (also known as the "Sons of Iraq") consist of Sunni tribes whose leadership broke away from Al-Qaida in Iraq in 2005. The movement started in Anbar Governorate and quickly spread to other governorates. According to an agreement with the Multi-National Force-Iraq (MNF-I), the Awakening Councils would provide security in areas under their control and expel Al-Qaida in Iraq. They were and remain a key element in combating the insurgency. The Awakening Councils reached a strength of over 100,000, primarily in Baghdad, and remain present in most of Iraq, with the exception of the Kurdistan Region. Originally supported by MNF-I, by 2009 the responsibility for the Awakening Councils had been transferred to the Ministry of Defence, which provides salaries, with the aim of their eventual integration into the Iraqi security forces or other Government agencies. As at August 2010, approximately 40 per cent of Awakening Council members had been given new employment with the Government or had joined the private sector; the remainder continues to provide security functions under the control of the Ministry of Defence.

Anti-Government armed groups

12. The conflict in Iraq involves a number of insurgent groups. Those listed by the Secretary-General as being responsible for grave violations against children are described below.

Al-Qaida in Iraq

13. Al-Qaida was reportedly founded in 2003. The group seeks the withdrawal of foreign forces from Iraq and the establishment of an Islamic caliphate. The exact size of its membership remains difficult to ascertain owing to its clandestine nature. Operations conducted by Al-Qaida tend to concentrate around the areas of Baghdad, Diyala, Salah ad-Din, Mosul and in Al-Anbar Governorate, with periodic attacks against Shia communities in southern Iraq. Al-Qaida regularly carries out indiscriminate attacks with the aim of terrorizing the population and/or targeted attacks against military, Government and civilian targets. It claimed responsibility for the attack against the United Nations in Baghdad in August 2003 that killed 22 United Nations personnel. In 2006, Al-Qaida became a part of the armed group Islamic State of Iraq.

Islamic State of Iraq

14. Islamic State of Iraq is an insurgent group, created in 2006, that is comprised of a number of other armed groups in Iraq, including Al-Qaida. It claims to have established a provisional Islamic state in Iraq and to have unified Sunni insurgent groups under goals similar to those of Al-Qaida. It regularly claims responsibility for large scale mass casualty attacks against Government and civilian targets in Baghdad, including the bombings of Government buildings in October 2009 that killed 155 people, and 125 people in December of the same year, as well as the attack against a church that killed 55 people in October 2010 in Baghdad.

International Military Forces

Multi-National Force-Iraq

15. International military forces present in Iraq were led by the United States of America under MNF-I from 15 May 2004 to 1 January 2010. MNF-I was mandated by Security Council resolution 1546 (2004), and was subsequently extended by resolutions 1637 (2005), 1723 (2006) and 1790 (2007). Troops from 40 countries were part of MNF-I, with the single largest troop-contributing nation being the United States of America, which had 165,000 soldiers deployed in Iraq at the peak of the conflict in 2007. By August 2009, all States other than the United States had withdrawn their troops. With the aim of transferring the responsibility for security from MNF-I to the Government of Iraq, the United States-Iraq status of forces agreement was signed between Iraq and the United States in December 2008. The key features of the agreement were MNF-I ceasing all combat operations by August 2010 and the withdrawal of all American troops from Iraq by December 2011.

United States Forces in Iraq

16. On 1 January 2010, MNF-I was deactivated and replaced by United States Forces in Iraq (USF-I). On 9 August, the last MNF-I combat unit left Iraq, although a number of support troops remain and are now part of USF-I. They are tasked with training members of the Iraqi security forces, conducting counter-terrorism operations, and providing protection for United States military and civilian personnel. By November 2010, the remaining USF-I troop strength in Iraq was approximately 50,000 troops.

III. Visit of the Special Representative of the Secretary-General for Children and Armed Conflict and the monitoring and reporting mechanism

17. My Special Representative for Children and Armed Conflict visited Iraq from 13 to 25 April 2008, upon the invitation of the Government of Iraq. The visit aimed at assessing first-hand the situation of children affected by the conflict in Iraq and to advocate for better protection of children. The Special Representative met with children from internally displaced families, NGOs, teachers, Government officials, UNAMI staff and protection partners in Baghdad and the Kurdistan Region.

18. She also held discussions with MNF-I on detention procedures and due process for minors in MNF-I custody. In her discussions with UNAMI it was agreed that greater efforts should be made to establish appropriate child protection policies, including an improved monitoring and reporting mechanism that would expand to conflict-affected areas as well as the need for additional child protection advisers.

IV. Grave violations of children's rights: incidents and trends

A. Recruitment and use of children by armed forces and armed groups

19. Throughout the conflict in Iraq, armed groups have recruited, trained and used children to take part in hostilities both directly and indirectly. Children have been

used to spy and scout, transport military supplies and equipment, videotape attacks for propaganda purposes, plant explosive devices and actively engage in attacks against security forces and civilians. The exact number of children recruited and used by armed groups in Iraq remains difficult to ascertain because of the restrictive security situation.

20. Information received from community leaders, Government officials, security forces and national and international child protection partners demonstrates that children have been systematically used by insurgent groups. For example, on 12 June 2009, a member of the Council of Representatives, and Deputy Chairman of the Human Rights Committee, was killed inside a mosque in Baghdad. The attack was allegedly carried out by a 15-year-old boy armed with a pistol. Reports also indicate that the Iraqi security forces and MNF-I/USF-I have encountered children engaged in combat activities. For instance, in May 2009, a joint Iraqi police and MNF-I patrol in Hawija District, Kirkuk, was attacked by a boy estimated to be between the ages of 14 and 16, who threw a grenade at the patrol. On 1 June 2009, in the same area, another joint patrol was attacked by a 15-year-old boy, who claimed he had been paid by insurgents to throw a grenade at the patrol.

21. Children were used as suicide bombers by insurgent groups, including Al-Qaida in Iraq, throughout the reporting period. Children are used as suicide bombers allegedly because they arouse less suspicion and it is considered to be easier for them to move through security checkpoints than for adults. In some instances, children have allegedly unknowingly been proxy bombers, carrying explosives intended to be remotely detonated. In 2008, an official of the Ministry of the Interior publicly claimed that Al-Qaida in Iraq had used 24 children as suicide bombers in the previous two years. In May 2008 it was reported that insurgents strapped explosives to an eight-year-old girl and detonated them remotely as she approached an Iraqi army position south of Baghdad, killing her and a soldier and wounding seven others. In the same month, a 12-year-old suicide bomber killed at least 23 people at the funeral of a police officer in Fallujah. In September 2008, a 15-year-old detonated his explosives among a pro-government armed group north of Baghdad. Information shows that the practice continued in 2009 and 2010. For example, in May 2009, a 14-year-old boy detonated his explosives in Kirkuk, killing himself and five police officers, and wounding 11 civilians. In April 2010, a 10-year-old boy was arrested by the police before he could detonate his explosives in Fallujah. He claimed that he had been instructed by three men linked to Al-Qaida in Iraq to conduct suicide operations.

22. Since 2008, there have been consistent reports that Al-Qaida in Iraq operates a youth wing for children under the age of 15 called "Birds of Paradise" (also referred to as "Paradise Boys" or "Youth of Heaven") to carry out suicide attacks. Information on this armed wing remains scarce because of the clandestine nature of the group, but reports indicate that Al-Qaida in Iraq deliberately targets vulnerable children for forced recruitment such as orphans, street children and those mentally disabled. For example, in April 2009, it was reported that four children under the age of 14 were arrested by the Iraqi security forces near Kirkuk. They had been trained to avoid detection when approaching their targets, and allegedly identified themselves as members of the Birds of Paradise. In April 2010, it was reported that the Iraqi security forces arrested a senior leader of Al-Qaida in Iraq on suspicion of being involved in the recruitment of children as suicide bombers as part of the Birds of Paradise. A senior Iraq army official added that "the Birds of Paradise group was

directly responsible for recruiting children under 15, brainwashing them, and convincing them to carry out suicide operations — or even deceiving them by placing explosives around their bodies, sending them to markets, and then blowing them up using a remote control".

23. Children have also unknowingly been used to lure security forces into ambushes. For example, in August 2010 armed gunmen reportedly entered a house in Sadiyah, north of Baghdad, killed an adult male and two females, and sent two children, 10 and 12 years old, to report the attack to the Iraqi security forces. When the Iraqi army and police came to investigate, explosives planted in the house by the insurgents killed eight soldiers and wounded four. The two children were not injured and were later placed in the care of relatives.

24. With respect to the Awakening Councils, the United Nations and its partners received reports in 2009 that approximately 350 children were working for the Councils, although these reports could not be verified owing to security constraints.

25. There have also been persistent reports that the Mahdi Army actively recruited and used children as soldiers since the beginning of the conflict. A spokesperson for the group, Sheikh Ahmad al-Shabani, stated support for the practice of using children in an interview in 2004, and also stated that boys as young as 15 were involved with the group. The armed group disbanded voluntarily in August 2008, but spokesmen for the group have publicly threatened that it may reconstitute itself if foreign forces do not leave Iraq as planned in 2011.

Detention of children for alleged association with armed groups

26. A large number of children were detained by MNF-I on suspicion of posing threats to security. This number decreased significantly during the reporting period, as MNF-I transferred authority for detention to the Government of Iraq under the requirements of the United States-Iraq status of forces agreement. The agreement stated that MNF-I no longer retained authority to detain individuals, and subsequently required that juveniles either be released or, if sufficient evidence existed, be transferred to the Iraqi justice system for processing. MNF-I reported that 874 children were detained in December 2007, approximately 500 in mid-May 2008, 50 as at the end of December 2008, and none in June 2010. While systematic monitoring of all detention facilities under the authority of the Ministry of Labour and Social Affairs has yet to be implemented, the monitoring and reporting mechanism ascertained in June 2010 in two of Baghdad's detention centres the presence of some 150 children detained owing to alleged association with armed groups, constituting more than 70 per cent of the total children incarcerated there.

B. Killing or maiming of children

27. Children continue to be killed and maimed in Iraq, as they remain exposed to a wide range of risks as a result of the conflict. In 2008, according to figures provided by the Government of Iraq, 376 children were killed and 1,594 were wounded; in 2009 it was reported that 362 children were killed and 1,044 wounded. For 2010, the monitoring and reporting mechanism of the Country Task Force on Monitoring and Reporting documented that at least 194 children were killed and 232 wounded as a result of the conflict, while the official figures from the Government of Iraq for the first nine months of 2010 report that 134 children were killed and 590 wounded,

primarily in Baghdad, Diyala and Ninewa Governorates. It should be noted that figures from the task force and the Government of Iraq differ because access to affected populations and methodologies are not always similar.

28. Children have also been killed or maimed after being caught in the crossfire between insurgent groups and military or police forces engaged in combat or checkpoint confrontations. However, most of the killing and maiming of children is owed to indiscriminate large scale bomb and suicide attacks by insurgent groups such as Al-Qaida in Iraq and Islamic State of Iraq, who target public areas, including markets, mosques and places of recreation, where children tend to gather. Following are a few examples:

(i) On 20 June 2009, a suicide bomber targeted a Shia mosque used by the Turkmen community in Tazaa, south of Kirkuk, killing 82 people, including 17 children;

(ii) On 10 August 2009, two truck bombs were detonated in Shabak in Nineva Governorate, killing or injuring 177 civilians, including 76 children;

(iii) On 26 March 2010, 23 children were killed when bombs destroyed a coffee shop and a restaurant in Khalis, Diyala Governorate;

(iv) On 14 May 2010, in Ninewa, five children were killed and 30 injured when suicide bombers attacked civilians at a soccer stadium;

(v) In August 2010, a series of coordinated explosions in a market in Basra killed 45 civilians, including a 12-year-old girl, and injured over 180 people, including 13 boys and 11 girls between the ages of 10 and 15;

(vi) In October 2010, three children were reportedly among the 55 people killed in an attack against a church in Baghdad, for which Islamic State of Iraq claimed responsibility.

29. Children are also victims of insurgents' high profile attacks against public institutions, in particular ministries and police stations, purportedly perpetrated in an effort to destabilize the Government of Iraq and undermine its ability to provide services to citizens. Deliberate attacks on the homes and families of Government, military or police officials by insurgent groups have also resulted in death and injury to children. For instance, in April 2010, two boys were reportedly beheaded by insurgents who attacked the home of a police official in Salahuddin. In May 2010, the daughter of a man who was employed by the Iraqi army was killed when unknown gunmen stormed his house in Kirkuk. Also, in August 2010, two sons of a member of the Iraqi police, aged 10 and 12, were killed in Fallujah in an attack on their house. The Iraqi security forces have also been reported to be responsible for the deaths of children in crossfire incidents when attempting to arrest suspects in their homes: in September 2010, it was reported that Iraqi security forces stormed a house in Fallujah and eight persons were killed, including at least two children.

30. A consistent threat to children are explosive remnants of war, which continue to claim the lives of children and cause injury long after combat operations have taken place. It is estimated that 2.66 million cluster bombs and 20 million landmines remain in Iraqi soil, contaminating 1,700 square kilometres of land. Many date from previous conflicts, such as the Iran-Iraq war and the first Gulf War.

C. Rape or other grave sexual violence against children

31. Incidents of rape or grave sexual violence against children in Iraq connected with the armed conflict are extremely difficult to verify and gathering information on this violation remains a consistent challenge. The main factors are the security situation and the limitations on access it imposes, a reluctance to report incidents out of fear of being stigmatized, and the absence of available and safe reporting mechanisms for children in a number of regions. Additionally, traditional child protection partners — such as the police — have been engaged in combating insurgents and thus may not have been able to direct their full attention to the issue of rape or grave sexual violence against children.

D. Abduction of children

32. The abduction of children remains a serious concern. In 2009 alone, the Ministry of Interior estimated that at least 265 children were abducted and issued several public warnings. In response, the Ministry of Education instructed schools to take precautions, and security patrols and checkpoints around schools were increased. Owing to the sensitivity of release negotiations, once a child has been abducted many of these incidents are not reported to the authorities, as parents feel this would give a greater chance for the successful release of their children.

33. Incidents of abductions by insurgents remain difficult to verify, especially because of the clandestine nature of their activities, the lack of reporting and the fact that it is often challenging to distinguish whether the abductors are insurgents or criminals. The Country Task Force on Monitoring and Reporting has, however, continuously received reports of the abduction of children by armed groups to finance their violent activities, and in one particular case, to obtain the release of prisoners. In October 2010, armed men wearing military uniforms attacked a house in south-western Kirkuk and kidnapped two girls aged 16 and 17. The house belonged to an influential family from a local tribe. The kidnappers demanded that the family request the release of five women associated with their group arrested on charges of terrorist activities. The two girls were later released after the authorities in Kirkuk reportedly released the five women. Additionally, between November and December 2010, three incidents of abduction in Kirkuk were reported, including the case of a boy whose father worked for an Awakening Council and who was abducted and questioned by unknown armed men regarding his father's activities. The boy was released the following day.

E. Attacks on schools or hospitals

34. During the first five years of conflict in Iraq, educational facilities were heavily targeted. According to the United Nations Children's Fund (UNICEF), in the early stages of the conflict in 2003 and 2004 more than one in six schools in Iraq were vandalized, damaged or destroyed. Owing to the lack of infrastructure and to overcrowded classrooms, one third of schools are forced to deliver lessons in two or even three shifts, with acute shortages of essential teaching/learning materials.

35. Children's access to education has been compromised by the security situation. The United Nations Educational, Scientific and Cultural Organization National

Education Support Strategy released in 2008 estimated that 2 million children of primary school age did not attend school largely owing to the security situation. Direct attacks against schools also continue to occur, and in some cases schools have been the target of suicide bombers. For instance, on 22 January 2008, a suicide bomber detonated his explosives at the entrance of a school in Ba'qubah, injuring 17 students and 4 teachers. Schools have also been affected by explosive devices being placed in them or in their vicinity. For example, on 27 March 2008, unidentified armed elements blew up a school in Saydiyah, in south-western Baghdad. On 7 December 2009, in Sadr City, explosives hidden in a rubbish pile outside a school were detonated, killing 5 boys and injuring 17 children.

36. Threats and intimidation also prevent children's access to schools. Many of these threats were reported to have come from insurgent groups that demand the schools change the curriculum or deny rights to students from certain ethnic or religious groups. Failure to comply often led to violence. In May 2008, for instance, it was alleged that an armed group operating in Sadr City had closed 86 schools and threatened employees and students not to go to school and families not to send their children to school. It was reported in 2008 that schools in Sadr City were being used as bases of operations for insurgent activities. More recently, in October 2010 as a result of the attack claimed by Islamic State of Iraq against a church in Baghdad, many Christian schools, often sharing the same grounds as their churches, reportedly cancelled classes for several weeks for fear of similar attacks.

37. Hospitals have suffered damage or been closed as a result of military operations and have also been directly targeted by insurgent groups. For example, on 24 October 2010, explosives placed in a parked vehicle exploded inside the Ibn Sina Hospital compound in Mosul. Four children were killed and 9 below the age of 14 were among the 30 persons wounded.

38. The direct targeting of medical staff has also dire consequences for the provision of health-care services. In 2008, it was reported that as a result of the conflict 2,200 doctors and nurses had been killed and 250 kidnapped since 2003 and that many had also been threatened by armed groups and forced to leave their jobs, leading to a lack of trained professionals in the health-care sector.

F. Denial of humanitarian access

39. Humanitarian access for children remained problematic in areas affected by the conflict. Military operations, intimidation by armed groups, and the climate of fear created by indiscriminate attacks means that in some areas children lacked access, or had only partial access, to basic assistance and services related to water, sanitation, food and health care. The Al-Qaida in Iraq and Islamic State of Iraq tactic of attacking Government institutions further compounded the problem of access to services and humanitarian assistance by creating a gap between those in need and government services.

40. The security situation also impacted the ability of humanitarian actors to access children to deliver services. During the reporting period, Iraq remained a volatile security environment for national and international humanitarian actors. Reports were consistently received of humanitarian staff, including United Nations staff, being threatened, harassed and intimidated by armed groups, with the result

that some humanitarian actors were unwilling to enter high risk areas to provide services to potential beneficiaries.

V. Dialogue and action plans to redress violations and abuses committed against children

41. The delay in the formation of the new government in Iraq after the March 2010 elections resulted in the absence of formal dialogue on children affected by armed conflict between the United Nations and the Government of Iraq. However, UNAMI senior management engaged with the Government of Iraq on monitoring and reporting and established a communication channel on the issue through the Ministry of Foreign Affairs. On 13 January 2011, my Special Representative and the UNICEF Representative, met with the Minister for Foreign Affairs to initiate such discussions and introduced the Security Council resolution 1612 process regarding the implementation of the monitoring and reporting mechanism in Iraq. It was requested that the Minister appoint a high-level representative to liaise with the Country Task Force on Monitoring and Reporting. The Minister agreed to the request and welcomed the implementation of the mechanism in the framework of Security Council resolutions 1612 (2005) and 1882 (2009). Further to that request, and in an effort to support the monitoring and reporting mechanism and the work with the Country Task Force on Monitoring and Reporting on issues related to children in armed conflict, the Government of Iraq established an intergovernmental committee on Security Council resolution 1612 (2005) in April 2011. The committee is chaired by the Ministry of Human Rights, with representatives from the Ministries of Defence, Foreign Affairs, Justice, Labour and Social Affairs, Education and the Interior.

VI. Follow-up and programmatic response to violations and abuses committed against children

42. The continuing conflict and the resulting violence and insecurity have greatly weakened, and in some cases destroyed, institutions and systems for the physical, social and legal protection of children. From 2008 to the present, the Government of Iraq, United Nations agencies and NGOs have developed partnerships in order to increase assistance to victims in the form of psychological support, social and reintegration assistance. Despite some success in responding to the needs of children, child protection has yet to be fully articulated in government policies and priorities, such as in the National Development Plan. Protection partners are currently providing assistance to the Ministry of Labour and Social Affairs for the development of a child protection policy. Technical capacity of protection service providers such as social workers and caregivers in child care institutions is limited and practices demand improvement.

Detention of children for alleged association with armed groups

43. The Ministry of Labour and Social Affairs, with UNICEF support, began a justice-for-children project in 2009 that combines prevention, protection, reintegration and restorative justice for children and young people. The Ministry granted UNICEF and its implementing partners access to children in pre-trial

detention to all four facilities in Baghdad and Mosul, and the Ministry of the Interior has allowed access to Al Maqal since 2009. Four mobile legal teams were therefore able to provide assistance to children in pre- and post-trial detention, including children detained because of their alleged association with armed groups. Additionally, concerted advocacy and programmatic efforts by UNICEF and other partners allowed the creation of alternatives to detention While Iraq's juvenile care law indeed provides for alternative measures such as diversion from the criminal justice system, these options have rarely been utilized except for informal applications such as communal dispute resolution.

Psychosocial support

44. To reduce the psychosocial impact of the conflict on children, various interventions have been developed. The Ministry of Education, with the support of UNICEF, re-established the provision of psychosocial assistance to children in schools in vulnerable communities that reached some 50,000 children. More than 1,900 teachers were trained in the provision of psychosocial support to enable them to understand the impact of violence on learning and development. Awareness-raising sessions were also conducted in 70 schools with parents through the parent-teacher association. To complement the psychosocial component in schools, the Ministry of Labour and Social Affairs has developed a framework for a community-based psychosocial programme. Mainstreaming of teacher-training on psychosocial support in schools is being envisaged by the Ministry of Education in coordination with other stakeholders.

Mines and unexploded ordnance

45. The Ministry of the Environment is the lead ministry on mine action and mine risk education and designed a plan in 2008 for medium- to long-term initiatives at the community level. Since 2008, the Ministry, supported by UNICEF, has conducted mine risk education activities that have reached 139,393 children (73,966 boys and 65,427 girls) in 1,700 schools and 109,812 men and 27,453 women from 1,000 communities. In November 2009, Iraq signed the Convention on Cluster Munitions, which prohibits the use, production, transfer and stockpiling of these weapons. In 2010, mine risk education was integrated into teacher-training and school curricula.

Attacks on schools

46. From 2008 and 2010, the United Nations responded to a number of emergencies through IMPACT, a humanitarian initiative aimed at responding to post-conflict emergencies based on a needs assessment in areas of acute vulnerability. For instance, assistance was provided to thousands of families in Sadr City affected by the conflict, including in the form of school rehabilitation. However, the current capacity of the Government to implement construction works and issues of land availability are hindering the progress of the programme. However, UNICEF has assisted the Ministry of Education in improving access to education. A particular focus was given to pupils dropping out of school because of the security concerns through the implementation of accelerated learning programmes, while teachers were also equipped with skills to detect and respond to the needs of children psychologically affected by violence. From 2008 to 2010, 70 schools were rehabilitated or constructed, water and sanitation facilities were

repaired in 174 schools, and prefabricated classrooms were installed in 13 schools, benefiting a total of over 168,400 children (51 per cent girls).

Sexual violence perpetrated against children

47. At the community level, civil society, supported by UNICEF, worked in 16 governorates for prevention, protection and responding to gender-based violence with national and international non-governmental organizations. These activities, which took place between 2008 and 2010, included awareness-raising, life skills and psychosocial, medical and legal services for girls who were the victims of gender-based violence.

VII. Recommendations

48. I condemn in the strongest possible terms the grave violations committed against children, and call upon all to respect the principles of international law, to recognize and maintain the safety and neutrality of schools, hospitals and places of worship and those who work for these institutions, and to declare that they will cease all such attacks. I further condemn the reported practice by Al-Qaida in Iraq of recruiting children as suicide bombers, and call for the immediate disbandment of the Birds of Paradise and request a public declaration to that effect.

49. I urge the Iraqi security forces and United States Forces in Iraq to ensure that their rules of engagement include special protection measures for children and are implemented fully, and I encourage that they request the assistance of UNAMI and UNICEF on appropriate child protection measures in this regard.

50. I recommend that the Ministry of Defence develop appropriate age verification procedures with respect to the Awakening Councils, and that it take appropriate measures to improve the protection of children through a final screening of all remaining Awakening Council members in coordination with child protection partners in Iraq.

51. I strongly encourage the Iraqi security forces to work closely with UNAMI child protection to devise a training regime for the Iraqi security forces on grave child rights violations and to devise an "alert system" to regularly apprise the country task force on monitoring and reporting of possible grave rights violations in real time.

52. I welcome the Government of Iraq's acceptance of the recommendation by the Human Rights Council during the universal periodic review process to adopt measures to criminalize the recruitment and use of children in armed conflict. As an immediate measure, I request the Government to conduct investigations and prosecutions of the crime of recruitment and use of children.

53. I further request the Government of Iraq to grant the United Nations and human rights monitoring bodies full access to detention facilities, including all those housing children at any stage of the judicial process. The Government should also work with UNAMI and UNICEF to develop ways and means to prevent prolonged detention and identify alternatives for those children in line with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

54. I encourage the Government of Iraq to cooperate with the country task force on monitoring and reporting with a view to halting grave violations of children's rights, as stipulated by the Security Council in its resolutions 1612 (2005) and 1882 (2009), and call upon the country task force on monitoring and reporting in Iraq to share information, make recommendations and provide necessary assistance to the Iraq intergovernmental committee on Security Council resolution 1612 (2005).

55. I request the donor community to financially support the United Nations country team, its partners and the Government of Iraq in implementing national programmes and initiatives designed to enhance the protection of children in Iraq, especially those affected by the armed conflict.

56. I call upon civil and religious leaders in Iraq to condemn the use of children as suicide bombers or their use by armed groups publicly, and to engage with the Government of Iraq, UNAMI, UNICEF and other child protection partners to make every child in Iraq safe and secure.

57. I welcome the efforts of my Special Representative in Iraq to strengthen the child protection capacity of UNAMI, including by the deployment of child protection advisers.

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Security Council

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Letter dated 15 June 2011 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, and in accordance with paragraph 6 (f) of Security Council resolution 1961 (2010), I have the honour to submit herewith the midterm report of the Panel of Experts on Liberia.

I would appreciate it if the present letter, together with its enclosure, were brought to the attention of the Security Council and issued as a document of the Council.

(*Signed*) Nawaf **Salam**
Chairman
Security Council Committee established pursuant to
resolution 1521 (2003) concerning Liberia

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Enclosure

Letter dated 17 May 2011 from the Panel of Experts on Liberia addressed to the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003)

The members of the Panel of Experts on Liberia have the honour to transmit the midterm report of the Panel, prepared pursuant to paragraph 6 of Security Council resolution 1961 (2010).

(*Signed*) Wynet **Smith**
(Coordinator)

(*Signed*) Christian **Dietrich**

(*Signed*) Augusta **Muchai**

Midterm report of the Panel of Experts on Liberia submitted pursuant to paragraph 6 (f) of Security Council resolution 1961 (2010)

Summary

Arms embargo

During the reporting period, the Panel established that there were attempted violations of the arms embargo by individuals and groups. The crisis in Côte d'Ivoire was identified as a security threat as armed Ivorian elements, including Liberian mercenaries, attempted to cross into Liberia through official border posts as well as unofficial crossing points. To help to control the illicit proliferation of small arms and light weapons, the Government of Liberia issued Executive Order No. 28 on 26 October 2010 requiring the registration of illegal arms. United Nations Mission in Liberia and Government officials also informed the Panel that the draft National Firearms Control Act of 2006 is currently under review prior to being presented to the legislature.

Travel ban and assets freeze

The Panel has made efforts to more effectively identify and locate targeted individuals and entities. A more comprehensive and standardized methodology for listing individuals and adding identifying information would enhance the applicability of the travel ban and assets freeze lists. To take one example, the Panel notes that neither the travel ban list nor the assets freeze list contains identifying information provided in the Panel's reports of 2010 (S/2010/319 and S/2010/609); some data from previous reports are also absent. The Panel has obtained a copy of a passport of Sanjivan Ruprah, which expired in 2008, as well as current passport information for Jewel Howard Taylor. The Panel reiterates its previous recommendation that there is an opportunity for collaboration between the Committee and the International Criminal Police Organization (INTERPOL) to issue Special Notices for individuals cited in the travel ban and assets freeze lists (S/2009/290, para. 194).

Natural resources and the Kimberley Process

The Government of Liberia authorized the export of almost 22,762 carats of rough diamonds valued at over $15.6 million during 2010. Liberia has submitted the required annual report to the Kimberley Process. The Panel has begun to assess compliance and will report its findings in its final report. However, the Panel notes that there is a new team of officials in the Ministry of Lands, Mines and Energy and that there appears to have been little action on implementation of the Kimberley Process since December 2010. As at 27 April 2011, companies with forest management contracts have paid only $1.486 million out of over $15 million of area-based fees and companies with timber sales contracts and private use permits have paid over $382,000 out of $490,000 owed to the Government of Liberia for the fiscal year 2010/11 (1 July 2010 to 30 June 2011). The chain of custody operator threatened to resign by the end of April 2011 in the absence of sufficient funding to help to cover revenue shortfalls. According to a draft report of the Liberia Extractive Industries Transparency Initiative, natural resource companies reported paying the Government of Liberia $69.7 million for the fiscal year 2009/10.

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I. Introduction

1. By resolution 1521 (2003), the Security Council imposed sanctions on exports of arms and ammunition to Liberia, a travel ban on individuals identified as constituting a threat to peace in Liberia, and sanctions on diamond and timber imports from Liberia. By resolution 1532 (2004) the Council imposed an assets freeze on Charles Taylor and his associates. The Council has since lifted the sanctions on timber and diamonds and has modified the arms embargo, most recently by resolution 1903 (2009), which resulted in limiting the arms embargo to non-State entities and individuals in Liberia. By resolution 1961 (2010), the Council renewed the travel ban initially imposed under paragraph 4 (a) of resolution 1521 (2003) for a further period of 12 months and recalled that the freeze on the assets of designated individuals and entities imposed by paragraph 1 of resolution 1532 (2004) remained in force.

2. By resolution 1961 (2010), the Security Council extended until 16 December 2011 the mandate of the Panel of Experts on Liberia to investigate and report on the relevant sanctions measures. The Council has specifically requested the Panel to monitor possible violations of the arms embargo and travel ban and to assess the impact and effectiveness of the assets freeze. The Panel was also mandated to identify and make recommendations regarding areas where the capacity of Liberia and States in the region can be strengthened to facilitate implementation of the travel ban and assets freeze, and to assist the Committee established pursuant to resolution 1521 (2003) in updating the publicly available reasons for listing for entries on the travel ban[1] and assets freeze[2] lists of the Committee.

3. In addition, the Council has mandated the Panel to assess the contribution of forestry and other natural resources to peace, security and development in Liberia within the context of Liberia's evolving legal framework; and to assess the Government of Liberia's compliance with the Kimberley Process Certification Scheme and to coordinate with the Kimberley Process in that assessment.

4. In a letter dated 17 February 2011 addressed to the President of the Security Council (S/2011/78), the Secretary-General announced the reappointment of Wynet Smith (Canada, natural resources expert and Coordinator) and the appointment of two new experts, Christian Dietrich (United States of America, finance expert) and Augusta Muchai (Kenya, arms expert).

5. The present document is the midterm report of the Panel of Experts requested by the Security Council in paragraph 6 (f) of resolution 1961 (2010), summarizing the Panel's observations and conclusions for the period from mid-March to the end of April 2011.

II. Methodology and collaboration with stakeholders

6. The Panel convened in New York during the week of 14 March 2011 and held various meetings and prepared its workplan for the coming months. The Panel

[1] The list is available from the Committee's website: www.un.org/sc/committees/1521/tblist.shtml.

[2] The list is available from the Committee's website: www.un.org/sc/committees/1521/aflist.shtml.

conducted its first mission to Liberia from 29 March to 13 April 2011 and intends to conduct a second visit during the month of May 2011.

7. During its first mission to Liberia, the Panel prioritized a field trip to the Liberian counties bordering Côte d'Ivoire given the evolution of the Ivorian conflict at that time and concerns regarding movement of people and goods across the border. The Panel also focused on the cross-border movement of combatants, including both the recruitment and return of Liberian mercenaries fighting in Côte d'Ivoire. The Panel views the possible movement of combatants from the Ivorian conflict into the Liberian counties of Grand Gedeh, River Gee and Maryland as a threat to peace and security in Liberia, and as a possible source of arms embargo violations.

8. The Panel visited the main towns and key border crossing points in Grand Gedeh, River Gee and Maryland Counties during the period from 3 to 11 April 2011. The Panel visited Tempo Town and Toe Town in Grand Gedeh, Freetown and Nyakane in River Gee County, and Kablaken, Dakay Town and Pedebo in Maryland County. The Panel was in the area just after the Forces républicaines de Côte d'Ivoire (FRCI) had moved south to San Pedro and Abidjan in Côte d'Ivoire and as they advanced from San Pedro to Tabou, and then north along the Tabou-Grabo-Tai-Guiglo road.

9. The Panel interviewed Liberian officials and military and civilian personnel of the United Nations Mission in Liberia (UNMIL) with a view to identifying cases of violations or attempted violations of the arms embargo. The Panel also interviewed Ivorian refugees and Liberian returnees to assess the possible locations of Liberian mercenaries and militia who had participated in the Ivorian conflict and who were seeking to return to Liberia.

10. The Panel received information and assistance from a wide range of actors both in Liberia and elsewhere. Annex I provides a list of organizations contacted by the Panel in the course of its investigations during the reporting period. The Panel would like to specifically thank the Special Representative of the Secretary-General for Liberia and the staff of UNMIL for their continued collaboration and support.

11. As requested by the Security Council in paragraph 6 (g) and (h) of resolution 1961 (2010), the Panel cooperated with the Group of Experts on Côte d'Ivoire established pursuant to resolution 1946 (2010). The Panel has also written to the Chair of the Kimberley Process indicating its intention to collaborate and coordinate with the Kimberley Process with regard to the assessment of Liberia's compliance with the Kimberley Process Certification Scheme. During the second half of its mandate, the Panel intends to cooperate actively with the Groups of Experts on Côte d'Ivoire and the Democratic Republic of the Congo established pursuant to resolutions 1980 (2011) and 1952 (2010), respectively.

III. Recent developments in Liberia and the region

12. The situation in Liberia is relatively calm but the political and security context remains fragile. The challenges surrounding the establishment of security sector institutions and the administration of justice pose the most serious challenges for consolidating peace and stability.

13. During the period under review, the situation in the south-east of Liberia was of particular concern given the various incidents in Côte d'Ivoire and the influx of refugees into Liberia. The Panel interviewed many refugees who had crossed into Grand Gedeh, River Gee and Maryland Counties to escape fighting and reprisals. For example, refugees in Maryland County reported pro-Ouattara forces in the area of Tabou summarily executing young men. Refugees in Grand Gedeh reported similar incidents that had occurred when the town of Toulépleu fell to FRCI.

14. The Panel observed that Liberian law enforcement agencies lacked the capacity not only to patrol the porous borders but also to control effectively the entry of all the refugees, Liberian returnees and third-country nationals flowing into Liberia at the time. The Government had moved members of the Emergency Response Unit and Border Patrol officers from the Bureau of Immigration and Naturalization to various key border sites in response to incidents and general concern to provide support to regular officers of the Bureau of Immigration and Naturalization and Liberia National Police officers.

15. The Panel interviewed a number officers of the Bureau of Immigration and Naturalization, the national police and the Emergency Response Unit, who acknowledged that they were understaffed and lacked adequate infrastructure and facilities: communication equipment, vehicles and petrol in some cases, computers and scanning machines. The officers mentioned that there were numerous crossing sites that suspicious individuals might utilize instead of official sites that would require inspection and registration. The unofficial and illegal crossing sites could also be used for arms and ammunition trafficking.

16. Some officers informed the Panel that sensitization was under way to allow them to distinguish between genuine refugees and armed elements. Inspections of refugees' baggage were conducted manually and, with the large numbers arriving at the time, the Panel noted the difficulties the officers faced in ensuring that no illegal arms, drugs or any other illegal goods were trafficked by criminals wishing to take advantage of the crisis in Côte d'Ivoire.

IV. Arms embargo

17. As noted, the Panel focused its initial efforts on examining the impact of the crisis in Côte d'Ivoire on the security situation in Liberia and on identifying violations of the arms embargo. This section discusses information on the movement of military personnel and mercenaries in the region and reports on some specific incidents of violations and attempted violations of the arms embargo. The section also provides a brief update on recent developments with regard to Liberia's small arms legislation.

A. Transborder movement of Ivorian military personnel and Liberian mercenaries

18. The Group of Experts on Côte d'Ivoire recently estimated that 4,500 mercenaries were hired and deployed in Côte d'Ivoire by the former President, Laurent Gbagbo (S/2011/272, para. 47). Those mercenaries originated primarily in Nimba and Grand Gedeh Counties in Liberia, and there was a marked surge in

recruitment between November 2010 and February 2011. The mercenaries arrived in Côte d'Ivoire in civilian attire, and were then provided with cash, weapons and, in some cases, uniforms.

19. Recruitment appears to have continued beyond February 2011. For example, Liberian officials informed the Panel that, on 30 March 2011, a group of approximately 14 men were arrested in Sanniquellie, Nimba County, allegedly having been recruited to take part in the conflict in Côte d'Ivoire. After an initial investigation by Liberian authorities, it appears that the men were recruited by an unidentified man in Karnplay and had attempted to cross the border into Côte d'Ivoire at Loguatuo, Nimba County.

20. The advance of FRCI corresponded to the movement into Liberia of pro-Gbagbo combatants seeking refuge. The Panel received information from a variety of sources in south-eastern Liberia that groups of pro-Gbagbo Liberian mercenaries had returned from Côte d'Ivoire into Grand Gedeh, River Gee and Maryland Counties. The Panel continues to investigate the activities of those mercenaries, some of whom have presumably lived in Moyen-Cavally, western Côte d'Ivoire, since the Liberian civil war.

21. The Panel has received the names of several former generals of the Movement for Democracy in Liberia (MODEL) who have recently returned from Côte d'Ivoire to Grand Gedeh and Maryland Counties. For example, the ex-MODEL General Isaac Chegbo, who was known under his nom de guerre "Bob Marley" in Côte d'Ivoire, was arrested in Zwedru, Liberia, on 13 April 2011, and transferred to Monrovia. Chegbo was released in Monrovia on 23 April 2011. The Panel is continuing to examine this case and notes that the non-governmental organization Human Rights Watch has compiled witness testimony on the involvement of a mercenary commander using the name Bob Marley in crimes against humanity in Côte d'Ivoire.[3]

22. On 1 April 2011, 95 people crossed from Côte d'Ivoire using the commercial ferry at the Pedebo-Prollo border crossing point near Harper, Maryland County (see para. 37 for further details). They were detained at Harper prison until their status could be ascertained. The screening of the group of men being detained at Harper prison was completed on 7 April 2011 and their documents were then sent to Monrovia for further assessment.

23. UNMIL officials have informed the Panel that seven Liberians in that group were charged as mercenaries. One individual in the group is alleged to be a former MODEL general involved in the Ivorian conflict. The Harper Magisterial Court acquitted the seven individuals during a preliminary hearing on 20 April 2011, but three were re-arrested at the Royal Motel in Harper before being later released again. The Panel intends to investigate this case further, and has reviewed a logbook carried by one of the individuals listing the names of platoon commanders and soldiers, as well as armaments carried by those individuals.

24. The Panel received witness testimonies concerning the presence of Liberian mercenaries in western Côte d'Ivoire, with specific references made to "Group Lima". The Panel is investigating whether this is the same group of Liberian

[3] Human Rights Watch, "Côte d'Ivoire: Ouattara Forces Kill, Rape Civilians During Offensive", 9 April 2011; available from www.hrw.org/en/news/2011/04/09/c-te-d-ivoire-ouattara-forces-kill-rape-civilians-during-offensive.

mercenaries that was referred to in previous reports of the Panel, notably S/2003/498 (paras. 56-57), S/2006/976 (paras. 190-192) and S/2007/340 (para. 188). The Panel noted in 2003 that the Nicla refugee camp near Guiglo, in Moyen-Cavally, Côte d'Ivoire, had become a main pool for recruitment of Liberians into Group Lima and possibly MODEL. The former Lima Chief of Staff, Amos Cheaye, was seen in a vehicle attempting to conscript Liberian refugees in Nicla. The Panel had estimated the strength of Group Lima to be around 1,000 fighters, many of whom were well armed. Those mercenaries had initially been recruited by the Government of Côte d'Ivoire in December 2002, using Lima to denote the radio call-sign "L" for Liberia.

25. The Panel noted in 2006 that, while many ex-combatants worked in the informal agricultural sector, they remained ready to be called on for combat, owing to economic imperatives. Such networks were based upon arrangements made in 2003 when individuals such as Payee Dowah (also known as John Garrant) and Alfonso Zaiyee were recruiting for MODEL/Lima in southern Côte d'Ivoire (S/2006/976, para. 191). The Panel had cited the Ivorian town of Toulépleu as the nerve centre of Group Lima, and had named the sous-préfet militaire, Jean Oulai Delafosse, as the leader of Lima. The Panel had termed the Group "Lima forces spéciales", and had cited the commencement of a disarmament process in Côte d'Ivoire for militia groups.

26. In the same report (S/2006/976, paras. 208-212), the Panel reported that militia fighters had surrendered weapons, but remained sceptical as to the possible outcome of the disarmament process. Concurrently, the Panel had referenced examples of the shortcomings of the rehabilitation and reintegration process in Liberia in 2005 and 2007 (S/2005/745, para. 143, and S/2007/689, paras. 145-153), noting worrisome tendencies for ex-combatants in Liberia to maintain ties with their former commanders. The current Panel received information during its field mission in April 2011 that supports those earlier findings.

27. During April 2011, various witnesses stated that Group Lima was preying upon civilians of any political disposition as remnants of the group, numbering over 100 individuals, headed from Tabou north towards the town of Tai. The Panel received information suggesting that members of Group Lima had also been among the 95 people cited above who were stopped in Pedebo, Maryland, and transferred to Harper. The Panel observes that Group Lima might have splintered into smaller factions, and is seeking to cross, or has already crossed, into Liberia in search of a safe haven.

28. On the basis of continuing information from sources in the field, the Panel is of the view that those Liberian districts that could be used as safe havens for returning mercenaries are Glaro in River Gee County, and both Tchien and Konobo in Grand Gedeh County. The Panel visited two of those districts, and interviewed an Ivorian individual in Glaro district whose brother, according to two sources, served as one of former President Gbagbo's leading generals. The Panel will continue to investigate the activities of this individual in Liberia.

29. The Panel was informed on numerous occasions that the military personnel of the Forces armées nationales de Côte d'Ivoire (FANCI) aligned to the former Gbagbo government fled advancing FRCI forces in southern and western Côte d'Ivoire, a reality that was largely confirmed during the rapid movement of FRCI to Abidjan in the lead-up to the capture of Gbagbo. The Panel is concerned that fleeing

FANCI forces could either have entered Liberia as refugees or found safe haven in remote rural locations, especially in Grand Gedeh, River Gee and Maryland Counties. Reports and witness testimonies concerning summary executions of civilians based on ethnic affiliation carried out by FRCI in Ivorian towns bordering Liberia would suggest that fleeing FANCI forces, even if disguised in civilian clothes, would seek safety in Liberia, at least initially. The Panel received reports of only a handful of Ivorian soldiers, including gendarmerie, who were detained by the Liberian authorities in Maryland County. Suspected locations of larger numbers of former FANCI soldiers, including officers, remain unconfirmed.

30. In Grand Gedeh, River Gee and Maryland Counties, the Panel came into contact with young men who admitted to having served as combatants in Côte d'Ivoire or who raised the Panel's suspicion that they had acted in this role. In two instances, such groups of young men preferred to remain near border crossings and not register with the Liberian authorities, and chose not to participate in programmes established by the Office of the United Nations High Commissioner for Refugees (UNHCR) to provide refugee assistance in secluded areas away from border crossings. UNMIL staff in Maryland and River Gee Counties informed the Panel that, on two occasions in April 2011, such groups of young Ivorian men had been seen purchasing Liberian cellphone cards, and had also sought to locate money-transfer institutions.

31. The Panel is concerned that remnants of FANCI forces who fled FRCI initially could seek to coalesce or regroup in remote locations of Grand Gedeh and River Gee beyond the oversight of Liberian governmental authorities or UNMIL, although their further intentions remain unclear. The possibility of reprisal attacks launched by those individuals from Liberia into Côte d'Ivoire, and likely counter-attacks as a result, remains a concern, especially given the porosity of Liberia's border and the many unmonitored and unofficial border crossing points. The joint operations of FANCI and Liberian mercenaries in Côte d'Ivoire, as well as ethnic cohesion among populations of Grand Gedeh (Liberia) and Moyen Cavally (Côte d'Ivoire), suggest that fleeing FANCI could be co-mingled with mercenary groups returning to Liberia. This might further diminish the capacity of Liberia to absorb or reabsorb Liberian combatants. The refugee populations in Liberia, both official and unofficial, could also serve as safe havens for former Ivorian military personnel, which in turn might draw the attention of FRCI troops operating along the Ivorian border with Liberia.

32. The Panel shared information with UNMIL concerning this situation, as well as with the Group of Experts on Côte d'Ivoire and the Integrated Embargo Cell of the United Nations Mission in Côte d'Ivoire. The Panel understands that there is a tangible link between the activities of Liberian mercenaries and sources of financing, both in their initial recruitment and arming, and possibly in their current activities. The Panel has received information that bank transfers as well as informal money changers could be used by such militia to prepare for future operations, or finance illicit purchases of arms or ammunition, and could indicate the future intentions of these Liberian returnees. Similarly, the Panel will further examine the possible sale of goods looted in Côte d'Ivoire and brought to Liberia.

B. Violations and attempted violations of the arms embargo

33. While there is general concern about refugees entering Liberia with arms and ammunition — especially the security forces of the former Gbagbo regime and returning Liberian mercenaries — the situation is difficult to monitor given the porous border between Côte d'Ivoire and Liberia and the fact that individuals or small groups can cross the border at various sites where there are no official crossings. However, during its field mission and subsequent inquiries, the Panel has been able to confirm a number of incidents during the period February-April 2011 involving attempts to bring weapons and ammunition into Liberia from Côte d'Ivoire.

34. Liberian and UNMIL officials informed the Panel that, on 6 March 2011, Ivorian soldiers (approximately 15-25) attempted to cross from Côte d'Ivoire into Liberia at Toe Town, Grand Gedeh County, the only border crossing in the south-east with a bridge. The soldiers were reportedly armed with AK-47 rifles and at least one large weapon. Officials reported that a few of the soldiers crossed the border and requested that the Liberian security officials allow them to pass through Liberia so they could cross back into Côte d'Ivoire via Maryland County, as the main roads to San Pedro and Abidjan had been cut off by FRCI. Liberian officials were prepared to allow the FANCI soldiers to enter Liberian territory provided they surrendered their weapons and ammunition. The Ivorian security forces were reported to have changed their mind when UNMIL troops arrived, and the Ivorians returned across the border to Côte d'Ivoire.

35. Liberian officials informed the Panel that, on 7 March 2011, Liberian security agencies at the Bhai Nikko Jorzon crossing point in Grand Gedeh found three Ivorian individuals in possession of a few rounds of AK-47 ammunition and three full AK-47 magazines during luggage checks of Ivorian refugees. The three men, suspected to be pro-Gbagbo soldiers, were separated from the rest of the refugees for further screening.

36. Liberian and UNMIL officials also informed the Panel that, on 9 March 2011, local people in Pokor Town near Toe Town in Grand Gedeh County turned in a bag containing an AK-47 rifle, an empty magazine, a few hundred loose rounds of AK-47 ammunition and a few rounds of M-16 rifle ammunition. The man who was seen by the villagers with the weapons reportedly fled the area. On 28 March 2011, two Ivorians and one Liberian were arrested at Tempo border crossing point near Zwedru, Grand Gedeh, in possession of a hand grenade and assorted ammunition.

37. Some of the 95 people crossing at the Pedebo, Maryland County, border crossing on 1 April 2011 (see para. 22), were in possession of six 4-wheel-drive vehicles, allegedly looted goods, ammunition, and an Ivorian military uniform. When the men were detained, their vehicles, ammunition and goods were impounded. The Panel obtained photographs of ammunition carried by one or more of the detained individuals (see figure).

Ammunition confiscated from individuals arrested at Pedebo border crossing, 1 April 2011

Source: United Nations Mission in Liberia.

38. On 5 April 2011, three unarmed men in civilian clothes claiming to be former Ivorian soldiers seeking refugee status reported to the Bureau of Immigration and Naturalization office in Pleebo, Maryland County, and were referred to the UNHCR office for registration. According to UNMIL sources, four Ivorian refugees were arrested near the Pedebo border crossing point for possession of ammunition on the same day.

39. According to UNMIL officials at Fish Town, two individuals were arrested on 19 February 2011 by the national police at Killipo-Kanweaken in River Gee County. The officers were conducting routine checks when they intercepted a truck belonging to a road construction company and discovered that the truck was carrying 11 single-barrel shotguns, 3,000 rounds of shotgun ammunition, and two bags of marijuana weighing 15 kilograms each (see annex II). The driver reported that two passengers had boarded his truck with the seized items. Police officers arrested the two suspects; one suspect admitted that he was the owner of the ammunition but denied ownership of the shotguns. He indicated that he had purchased ammunition from a Nigerian businessperson residing in Ganta, Nimba County, and that he was intending to sell the rounds to hunters in Kanweaken. The other suspect admitted ownership of marijuana but did not reveal the source. The police continue to investigate the case.

40. Various sources informed the Panel that the use of hand-made pistols and single-barrel shotguns continues to be widespread in the country. The single-barrel shotguns appear to be used mainly for hunting. The Panel has been informed of the following types of cases: imported single-barrel guns, arrests of individuals with single-barrel guns, and incidents involving small arms and reports of the use of guns in robberies. There are also some reports that point to a potential link between drugs

and guns, as described in the previous paragraph. The Panel intends to investigate these cases further and provide more details in its final report.

C. Update on legislation

41. Legislation on small arms and light weapons has yet to be promulgated. A draft National Firearms Control Act, originally developed in 2006, has not been brought to the legislature but is under review, according to information gathered from UNMIL and Government officials.

42. On 26 October 2010, the Government of Liberia issued Executive Order No. 28 requiring registration of illegal arms (see annex III). Initially, there was a requirement to pay fees for registration and those involved were not eager to make such payments. The registration fees were later waived and it is anticipated that a majority will comply. The Panel will follow up on this during its next mission to Liberia to establish the effectiveness of the registration process, and the overall compliance with the arms embargo.

V. Travel ban and assets freeze

43. The Committee approved a list of individuals subject to travel restrictions pursuant to paragraph 4 of resolution 1521 (2003) on 16 March 2004. It approved a list of individuals and entities subject to an assets freeze pursuant to paragraph 1 of resolution 1532 (2004) on 14 June 2004. The travel ban list currently contains the names of 45 individuals, and the assets freeze list cites 22 individuals and 30 entities.

44. The Panel has begun to follow up on information contained in its archives concerning the possible location(s) of individuals subject to the travel ban, as well as possible assets linked to individuals and entities cited in the assets freeze list. The Panel also requested several Member States to provide responses to the Panel's outstanding queries regarding individuals on the travel ban list, and regarding individuals and entities on the assets freeze list. At the time of writing, the Panel is preparing a more exhaustive set of letters to States to seek information on those individuals and entities.

45. The Panel plans to use its second mission to Liberia in May 2011 to more adequately ascertain Liberian efforts to implement the travel ban. This will also include an assessment of any progress made by the Government of Liberia in freezing assets previously identified by the Panel.

46. During its mission to Liberia, the Panel queried officers of the Bureau of Immigration and Naturalization stationed at border posts about violations of the travel ban. The officers did not have copies of the travel ban list,[4] and were mostly unaware of its contents.

47. The Panel notes that the travel ban and assets freeze lists were last updated on 16 December 2009. Some information that the Panel previously reported to the Committee regarding individuals subject to the travel ban has not been reflected in

[4] The list is available from www.un.org/sc/committees/1521/tblist.shtml.

the list. For example, the place of birth, date of birth, current passport details and current address of three individuals on the list, Slobodan Tešic, Orhan Dragaš and Jovan Aleksic, were supplied by the Panel (S/2010/319, table 4), but those details are not yet reflected in the travel ban list. The Panel notes that the individual cited on the travel ban list as "Aleksic Jovan" incorrectly confuses his surname and the family name, and he should instead be cited as Jovan Aleksic.

48. Other information contained in previous reports of the Panel that could be added to the travel ban list might include details supplied by the Panel in December 2009 (see S/2009/640, para. 162) for the individual named Joseph Wong Kiia Tai. The Commercial Affairs Department of the Government of Singapore had informed the Panel that this individual was known as Joseph Kiia Wong, and he was listed as a director of two companies, for which business addresses were cited in the Panel's report. Furthermore, the Panel previously cited the details of passports issued to Jewel Howard Taylor and Tupee Enid Taylor, and their places of birth (ibid., para. 119), which have not been incorporated into the travel ban or assets freeze lists. Inclusion of the alias used by Benjamin Yeaten, reported previously as James Diah (see S/2007/340, para. 186), might assist States in identifying the possible international movement of this individual.

49. The Committee granted a travel ban waiver to Jewel Howard Taylor for a trip to Accra for medical reasons from 11 to 30 March 2011. She provided a copy of a new Liberian passport numbered D/000433, issued on 5 October 2010 and with an expiration date of 4 October 2012, the details of which could be added to the updated assets freeze and travel ban lists. At the National Patriotic Party (NPP) convention in March 2011, delegates elected Bong County Senator Jewel Howard Taylor as its standard bearer. NPP partisans also confirmed their approval of joining the National Democratic Coalition.

50. The Panel has located additional indicators for Sanjivan Ruprah, who is cited in the travel ban and assets freeze lists. The Belgian non-governmental organization International Peace Information Service, under an article entitled "Sanjivan Ruprah/US Government letters" published on 13 October 2003, provides a copy of a Ruprah passport that has not been cited in the assets freeze or travel ban lists: passport of the United Kingdom of Great Britain and Northern Ireland No. 790015037, which was issued on 10 July 1998 and expired on 10 July 2008. The passport cites his name as Sanjivan Singh Ruprah, with a birthplace of Kisumu, Kenya. The British Embassy in Kinshasa issued the passport prior to the Liberian travel ban. The documentation for the International Peace Information Service article was sourced from Italian authorities following Ruprah's arrest in Italy in 2002. The Panel has archived an electronic copy of the passport so that the photograph might be applied to the travel ban and assets freeze lists.

51. The United Nations liaison office of the International Criminal Police Organization (INTERPOL) has assisted the Panel in identifying information useful for updating the assets freeze and travel ban lists. INTERPOL had previously provided a report to the Panel on 3 June 2009 with information on six individuals, five of whom are still on the travel ban, and four of whom are on the assets freeze list, and four companies, all of which are currently on the assets freeze list. This information provides several indicators that do not feature in the Committee's travel ban and assets freeze lists. At the time of writing, INTERPOL was preparing an updated report. The INTERPOL data could be incorporated into the travel ban and

assets freeze lists pending verification by INTERPOL with countries that have supplied the data to ensure that this would be acceptable to them, subject to the Committee's agreement. Such additions to the Committee's lists would enhance existing indicators for certain individuals and entities.

52. In its report of 5 June 2009 (S/2009/290, para. 194) the Panel recommended the use of INTERPOL, at the request of the Committee, to disseminate Special Notices to alert law enforcement authorities worldwide concerning individuals subject to United Nations sanctions. The Panel has been informed by INTERPOL that no such Special Notices have been issued for those individuals listed on the travel ban list. The issuance of INTERPOL-United Nations Special Notices requires minimum criteria in one of the following combinations: (a) Family name/name/full date of birth; (b) name/full date of birth/photograph (of good quality); (c) family name/date of birth (year)/photograph (of good quality); (d) name/date of birth (year)/fingerprints; (e) family name/date of birth (year)/fingerprints; (f) name/date of birth (year)/DNA; and (g) family name/date of birth (year)/DNA.

53. Currently, indicators for 31 out of 45 individuals on the travel ban list would pass this minimum standard. The issuance of Special Notices for those individuals, and the collection of indicators for the remaining individuals, could improve the implementation of the travel ban. Currently, the list remains of limited effect since it will not appear in any global electronic database to alert police and Customs agencies, and will be useful only for those individual countries that have incorporated the names into their national databases. The use of a 14-page hard copy of the travel ban list at major international airports, unlike remote Liberian border crossing points that lack computer access, is not an effective solution.

54. The Panel further notes that the greater the number of indicators included on the travel ban list, the more useful this list could be for law enforcement agencies worldwide. Beyond the minimum requirements listed above for Special Notices, many important indicators are missing for most of the individuals cited in the travel ban list. Law enforcement officials often require five basic indicators, including the first name, last name, date of birth, place of birth, and sex — identifiers that are, for example, included in passports. None of the individuals cited on the travel ban list are distinguished by sex, although this could be quite easily ascertained. However, in respect of the other four identifiers, all four of the categories are provided for only 6 of the 45 individuals cited in the travel ban list; and these requirements are met for only 4 of 22 individuals in the assets freeze list.

55. The most common omission is the place of birth. For many of the individuals on the travel ban list, the most obvious country of birth would be Liberia, but this information is not provided, and the actual city or county within Liberia is also lacking. As such, the usefulness of the list is limited for those law enforcement officials who may not be aware of the prominence within a regional context of certain individuals on the travel ban list. For example, that an individual is elected to office in one country may not exclude the possibility of the same individual's having a place of birth in another country, and having dual nationality; moreover, possession of a diplomatic passport from one country does not require sole citizenship in that country.

VI. Natural resources

56. The Panel has initiated investigations in a number of areas to update its assessments of the Government of Liberia's implementation of the Kimberley Process Certification Scheme and the contribution of forestry and other natural resources to peace, security and development in Liberia within the context of the country's evolving legal framework.

57. Since 2006, Liberia has enacted a number of new pieces of legislation relating to natural resources. These laws include provisions for competitive and transparent concession allocation processes; revenue/payment transparency; public participation and access to information; and benefit sharing. The laws also incorporate the Kimberley Process system of internal controls, and include the National Forestry Reform Law of October 2006, the adoption of which was the criterion for the Security Council to lift the sanctions on timber. Another important piece of legislation, the Act Establishing the Liberia Extractive Industries Transparency Initiative, was approved in July 2009. This midterm report provides an update on some of these important governance mechanisms for natural resources; the Panel will provide its assessments in its final report.

A. Update on the diamond sector

58. With its adoption of resolution 1753 (2007), the Security Council lifted sanctions on the import of Liberian rough diamonds. Liberia has been a participant in the Kimberley Process since 4 May 2007 and began to export diamonds during September 2007. Specific requirements of the Kimberley Process Certification Scheme include issuance of certificates for each shipment; internal controls for both export and import of rough diamonds; maintenance and reporting of statistics; and cooperation and transparency.

59. The Government Diamond Office issued 68 Kimberley Process certificates from 1 January to 31 December 2010, authorizing the export of almost 22,762 carats of rough diamonds valued at over $15.6 million (see table 1). The Government earned over $356,000 in royalties from those rough diamond exports.

Table 1
Summary of Liberian rough diamond exports for 2010
(Value in United States dollars)

Carats	22,761.85
Export value	15,634,510.86
Average value per carat	686.87
Average monthly export (carats)	1,896.82
Average monthly export (value)	1,302,875.91
Certificates processed	68

Source: Liberia, Government Diamond Office.

60. The majority of Liberia's rough diamond exports go to States members of the European Union, which accounts for over 14,000 carats and over $13 million of the total exports in terms of carats and value. Hong Kong, Israel, and South Africa all imported more than 1,000 carats each. Smaller volumes went to Australia, India, Switzerland, United Arab Emirates and the United States.

61. At the end of March 2011, Liberia submitted the required annual report to the Kimberley Process for 2010. As noted, the Panel is in communication with the Kimberley Process regarding Liberian implementation and will provide an assessment on implementation in its final report.

62. The Panel notes that Ian Smillie, a long-time participant and observer of the Kimberley Process, has reviewed the Government of Liberia's report. Mr. Smillie states that the Government's 2010 annual report raises serious questions about the management of the Liberian government authorities mandated with implementing the Kimberley Process Certification Scheme and the entire diamond industry in the country, and concludes that the report poses a serious threat to Liberian compliance with the Kimberley Process Certification Scheme (see annex IV to the present report).

63. Mr. Smillie states that the most troubling issue is the significant increase in value of exports with no increase in the volume and the "incredible increase" in the per carat average value of exports (see table 2). He notes that the average export value per carat was more than double the figure for 2009 of any Kimberley Process member country with the exception of Lesotho. Historically, however, Liberia has been an exporter of low-value goods and the explanation of the Government of Liberia for this increase in value "does not sufficiently substantiate the government data". He also states that the increase in export value "suggests that large quantities of low value diamonds are not being legalized at the export stage", which supports concerns raised by the Panel in previous reports. The Panel will continue to investigate these issues.

Table 2
Changes in Liberian diamond exports, 2007-2010

Year	*Volume (carats)*	*Percentage change*	*Value (United States dollars)*	*Percentage change*	*United States dollars per carat*	*Percentage change*
2007	21 699.74		2 657 541		122.47	
2008	47 006.54	+116.6	9 891 785	+272	210.43	+71.8
2009	27 731.85	-41.0	9 125 637	-7.7	329.07	+56.4
2010	22 761.85	-17.9	15 634 510	+71.3	686.87	+108.7
4-year percentage change		+4.9		+488		+560.8

Source: Ian Smillie, "Comments on Liberia's 2010 report to the Kimberley Process", unpublished paper, April 2011 (annex IV to the present report).

64. The Panel notes that there is a new team of officials in the Ministry of Lands, Mines and Energy and that they have been focused on other issues. From preliminary discussions with involved stakeholders, it appears that little action has been taken on implementation of the Kimberley Process and Panel recommendations

since December 2010. The Panel is aware that the Presidential Task Force on Diamonds has not met for many months and that there has been no formalization of the precious minerals oversight committee.

B. Update on the forestry sector

65. Liberfor, the chain of custody system for the forestry sector, is a tool designed specifically to ensure that forestry sector fees are paid and reported correctly. The Société générale de surveillance (SGS), a Swiss-based company, was contracted by the Government of Liberia to establish and run the Liberfor project for an initial period. Accordingly, SGS invoices — via the Liberfor project — forestry companies on behalf of the Government of Liberia. As at 29 April 2011, Liberfor records indicate that companies with forest management contracts had been issued invoices totalling just over $15 million for area-based fees for the fiscal year 2010/11 (1 July 2010-30 June 2011) (see annex V). As at the same date, companies had paid only $1.486 million of this amount, and a total of $13.7 million was still owed to the Government of Liberia. Companies with timber sales contracts and small private use permits had paid over $382,000 out of $490,000 invoiced through Liberfor for the same period (see annex VI).

66. Most forestry companies with forest management contracts (over 50,000 hectares), timber sales contracts (up to 5,000 hectares) and private use permits have been conducting inventories and preparing for operations. However, only two out of seven forest management contract holders had commenced logging operations as at the end of April 2011, and companies were logging in only three out of nine timber sales contracts. Companies had also started logging in two out of three private use permits, which grant logging rights to companies that have obtained the consent of private land owners. No further logging is likely until late 2011 given the commencement of the rainy season.

67. SGS is paid for its operation of the Liberfor system through a percentage of the revenues earned from fees charged to companies for stumpage, the volume of timber felled, and the volume of timber exported. Between 1 July 2010 and 27 April 2011, Liberfor invoices for two forest management contract holders totalled $466,099 in stumpage fees and $515,062 in export fees on the 28,923 cubic metres of wood exported from Liberia (see annex V). In addition, Liberfor invoiced companies with timber sales contracts and private use permits a total of $138,214 in stumpage fees, of which $103,558 has been paid. Those companies had also paid $133,758 in export fees on the 2,675.5 cubic metres of wood exported during that period (see annex VI).

68. While these values show progress compared to the previous two years, the revenues are still inadequate to meet the operating costs of the system. While SGS has been conducting inspections on blocks inventoried by companies over the past number of months, no significant revenues were forthcoming given that most companies had not then commenced logging operations. As a result of the lack of revenue flow, the company has been able to inventory only 60 to 70 per cent of the area inventoried by companies. The SGS manager noted that the lack of revenue flow affects the core function of the Liberfor system as it is not possible to provide a guarantee of 100 per cent compliance under these conditions.

69. The slow progress in the forestry sector and the lack of revenues to fund the chain of custody system has resulted in donors funding the system for past the two years. The United States Agency for International Development paid $1.3 million in 2008 and the Government of Liberia, the World Bank and the United Kingdom paid $1.3 million for 2009/10. The Project Manager of the Société générale de surveillance informed the Panel on 13 April 2011 that the company lost $350,000 in 2010 and anticipates a shortfall of $750,000 in 2011 because of the low volume of wood being logged by the forestry companies. The company has applied for funding from the United Kingdom Department for International Development (DFID) for the calendar year 2011.

70. SGS indicated it was prepared to submit its resignation at the end of April 2011 if the company did not receive that funding, as it was not prepared to continue to operate at a loss. The Panel contacted DFID and the World Bank, whose representatives responded that the funding had been received from DFID by the World Bank, and that the Bank was undertaking to dispense the funds as quickly as possible.

71. Liberia and the European Union signed a legally binding comprehensive agreement to control illegal logging and improve forest sector governance in Liberia on 9 May 2011. The trade agreement is known as a Voluntary Partnership Agreement under the European Union Forest Law Enforcement, Governance and Trade Action Plan. Implementation of the agreement will require that only timber verified as legal will be exported to the European Union. The agreement should also help to ensure that local communities will obtain benefits and have their rights recognized.[5]

C. Update on the Liberia Extractive Industries Transparency Initiative

72. One of the requirements of the Liberia Extractive Industries Transparency Initiative (LEITI) is the production of an annual report that must include material payments made to the Government by companies in the mining, oil and, in the case of Liberia, agriculture and forestry industries. LEITI is in the process of finalizing its third reconciliation report covering the fiscal year 2009/10 (1 July 2009-30 June 2010). The report was prepared by a commissioned independent auditing firm. The auditors undertook the collection, analysis and reconciliation of data from 1 November to 16 December 2010 and presented their initial findings to the Multi-Stakeholder Group of LEITI. The report has not yet been finalized and the Panel does not know the date of its release.

73. The summary of the draft report of the auditors indicates that 121 taxpayers in the mining, oil, agriculture and forestry sectors made payments to the Government of Liberia. However, only 71 taxpayers filled in and submitted templates to the independent auditors while no templates were received from 50 taxpayers. The reported payments total $69.7 million while reported revenues of the Government of Liberia were almost $71.9 million, a difference of over $2.1 million (see table 3).

[5] FERN and Sustainable Development Institute, "Liberia and EU sign bilateral trade agreement to stop illegal logging", press release, 9 May 2011; available from www.fern.org/.

Table 3
Payments and revenues reported by companies and the Government of Liberia for fiscal year 2009/10
(United States dollars)

Sector	*Taxpayers*	*Government*	*Difference*	*Percentage difference*
Mining	37 082 120	38 382 860	(1 300 740.00)	-3.4
Forestry	11 504 265	12 177 453	(673 188.00)	-5.5
Agriculture	12 098 270	12 299 858	(201 588.00)	-1.6
Oil	9 036 042	9 035 942	100.00	0.0
Total	**69 720 697**	**71 896 113**	**(2 175 416.00)**	**3.0**
Prior year (2008-2009)	**35 280 234**	**35 425 230**	**(144 996.00)**	**0.4**

Source: LEITI, Third annual reconciliation report, 2011.

74. The Auditor General of Liberia has issued a report based on an assessment of the 2009/10 revenues from the extractive industries (see transmittal letter in annex VII).[6] The report criticizes various Government ministries and offices (Ministry of Lands, Mines and Energy, Ministry of Agriculture, National Oil Company of Liberia and the Forestry Development Authority) for having failed to furnish LEITI with assessments on concessionaires and how much has been discharged. The Auditor General also states that LEITI and the Ministry of Finance were not in a position to determine assessments made on concessionaires, revenues paid and outstanding obligations. Furthermore, he reports that his requests to the Ministries for information were largely ignored.

75. The Auditor General concluded that "the integrity of data on collections paid by concessionaires and maintained by [the Ministry of Finance] was largely in doubt" and that he was thus unable to validate collections from companies. The Auditor General urged LEITI officials and the Deputy Minister for Revenue to ensure implementation of his recommended measures "as the deficiencies noted have the propensity to seriously undermine revenue generation efforts of the Government of Liberia".

76. Green Advocates, a Liberian civil society actor in environmental and natural resources management, published a report in February 2011 that attributes successful implementation of the Extractive Industries Transparency Initiative in Liberia to strong leadership, stakeholders' commitment and the support of international partners in an inclusive and participatory fashion.[7] The report identifies numerous good practices for the benefit of other countries, but also highlights serious problems, such as non-cooperation of Government ministries with

[6] Auditor General of Liberia, *Assessment & Collection of Revenue from Entities within the Extractive Industry in Liberia, Fiscal Year: 2009/10*, Monrovia, 2011; available from www.gacliberia.com/documents/leiti.pdf.

[7] Green Advocates, *The Good, the Bad and the Ugly: Lessons Learned from the Implementation of the Extractive Industries Transparency Initiative in Liberia, 2006-2011*, Monrovia, 2011; available from http://resources.revenuewatch.org/sites/default/files/EITI-Lesson_from_Liberia-the_good%20_the_bad_the_ugly-Green%20Advocates1[1].pdf.

the Auditor General, concerns about a commitment to transparency, and discontinuity in the transition process with changes at the head of the LEITI secretariat, which could undermine Liberia's achievements.

VII. Recommendations

77. With regard to the arms embargo, recommendations contained in paragraphs 166, 167 and 168 of the Panel's last report (S/2010/609) remain valid.

78. The Panel recommends that the Committee update the travel ban and assets freeze lists on the basis of the information contained in previous reports of the Panel and the current report.

79. The Panel recommends again that the Committee explore with INTERPOL the preparation of INTERPOL-United Nations Special Notices for the individuals whose names are contained in the travel ban list.

80. With regard to natural resources the recommendations contained in paragraphs 54 to 56 and 132 to 138 of the Panel's last report (S/2010/609) remain valid.

Annex I

Meetings and consultations held by the Panel of Experts

Liberia

Government

Bureau of Immigration and Naturalization; Liberia National Police, including the Emergency Response Unit; the National Security Agency; the Ministry of National Security; Minister of State for Presidential Affairs.

Private sector and civil society

Société Générale de Surveillance, various mining companies.

Bilateral and multilateral organizations

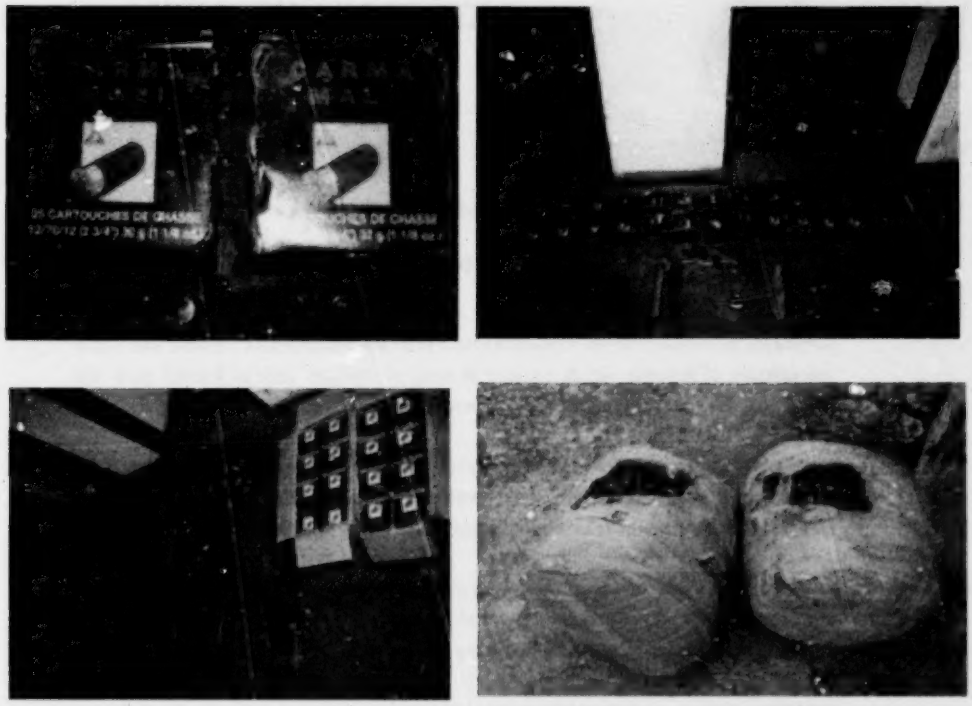
Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ); Embassy of the United States of America; United Nations Mission in Liberia; World Bank.

United States of America

United Nations Development Programme; Department of Political Affairs and Department of Peacekeeping Operations of the United Nations Secretariat; Peacebuilding Commission Support Office; United Nations Office on Drugs and Crime; International Criminal Police Organization; Permanent Missions of Belgium, France, Lebanon, Liberia, the Netherlands, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Annex II

Arms, ammunition and drugs recovered by the Liberian national police at Killipo-Kanweaken in River Gee County on 19 February 2011



Source: United Nations police, UNMIL.

Annex III

Executive Order No. 28

REPUBLIC OF LIBERIA

THE PRESIDENT

EXECUTIVE ORDER N^{O} 28

REINSTITUTING TOTAL BAN ON FIREARMS AND AMMUNITIONS

WHEREAS, Executive Order #6 imposed a total ban on the ownership, possession, use, sale or manufacture of firearms, which included all arms of precision such as flintlock guns with unrifled barrels and shotguns, except for single barrel guns used solely for hunting, and

WHEREAS, Executive Order #6 has since expired but there has been no corresponding change in environment which necessitated the promulgation of the said Order and the Government of Liberia continues to be concerned about grave danger to the public and national security, and

WHEREAS, it has become necessary to issue an Executive Order in the public interest to meet the emergency of the proliferation of small arms and ammunition in the country, which threatens the health, safety and welfare of our citizens, and

WHEREAS, Liberia as a member state of ECOWAS, which subscribes to the ECOWAS Convention on Small Arms, which entered into force on September 29, 2009, has the responsibility to properly collect and destroy small arms and light weapons and ammunition

NOW THEREFORE, with the intention of achieving a firearms free Liberia in protection of the public and implementation of relevant Convention of ECOWAS and until such time that appropriate legal and security legislation can be enacted, it is hereby ordered as follows:

1. That for the purposes of this Order, the term "firearm" includes all arms of precision and includes flintlock guns with unrifled barrels and shotguns, except for single barrels guns which shall be used solely for hunting, provided those guns shall be registered with the Ministry of Justice through the office of the Superintendent in each County

2. That for purposes of this Order, the term "shotgun" means a weapon designed or redesigned or made or remade and intended to be fired from the shoulder, and

designed or redesigned or made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

3. That no individual, group, organization or entity other than the Government of Liberia may own, possess, or cause to be brought into Liberia any firearm of any type, caliber or design or any ammunition or parts for any firearm, or any tooling equipment intended for the purposes of manufacture, assembly, or re-tooling of firearms of any type. This prohibition includes any firearm previously registered under the provisions of the Firearms Traffic Act of 1956.

4. That any person, group, organization or entity in possession of any firearm, ammunition or part for any firearm or tooling equipment shall deposit same with the Headquarters of the Liberian National Police in the County in which the individual, group, organization or entity maintains such possession, within sixty (60) days of the issuance of this Order. The County Headquarters of the Liberian National Police shall issue a receipt to the depositor in respect of that deposit.

5. If in the course of an investigation conducted by the Liberian National Police or any duly constituted law enforcement authority, including but not limited to a search incident to a lawful warrant, discover any weapon banned by this Order, such authority may confiscate the banned firearm or ammunition.

GIVEN UNDER MY HAND AND SEAL OF THE REPUBLIC OF LIBERIA, THIS 26 DAY OF OCTOBER, A.D. 2010

Ellen Johnson Sirleaf
PRESIDENT
REPUBLIC OF LIBERIA

Annex IV

Comments on Liberia's 2010 annual report to the Kimberley Process by Ian Smillie

1) Summary

Liberia's "ANNUAL REPORT TO KIMBERLEY PROCESS, 2010" raises serious questions about the management of the Liberian government authorities mandated with implementing the Kimberley Process Certification Scheme (KPCS) and the entire diamond enterprise in the country. The report poses a serious threat to Liberian KPCS compliance.

2) Increases in Export Value

The most glaring issue is the enormous increase in the value of exports with no concomitant increase in the volume, and the incredible increase in the per carat average value of exports.

Year	Volume, cts	% change	Value US$	% change	US$/ct	% change
2007	21,699.74		2,657,541		122.47	
2008	47,006.54	+116.6%	9,891,785	+272%	210.43	+71.8%
2009	27,731.85	-41.0%	9,125,637	-7.7%	329.07	+56.4%
2010	22,761.85	-17.9%	15,634,510	+71.3%	686.87	+108.7%
4 yr % change		+4.9%		+488%		+560.8%

At US$686.87 in 2010, Liberia's per carat average export value was more than double the 2009 figure of any KP member country with the exception of Lesotho. Liberia traditionally has been an exporter of low-value goods, and while it is possible that there have been better finds, legitimate increases of this sort would draw world attention.[1] The claim that the rise is "due to high value stones recovered in the western diamonds fields of Liberia" does not sufficiently substantiate the government data.

3) Destinations

According to the report, the main export destinations are as follows (a column showing the per carat average value of the exports has been added):

Participant Country	Volume (Carats)	Value (US$)	US$/ct
European Community	14,466.09	13,210,235.73	913
Israel	1,629.25	514,942.54	316
India	136.68	67,458.50	496
South Africa	4,526.56	654,377.36	144
United States	205.63	516,099.51	2,517
Australia	48.33	32,734.50	681
Switzerland	74.87	144,850.00	1931

[1] A comparison of 2008 and 2009 exports broke the figures down by type of diamond. In 2009, "specials" represented 2% by volume and 45% by value. The 2010 numbers suggest an even greater spread: possible, but highly unlikely.

U.A.E.	298.60	132,502.72	444
Hong Kong	1,375.78	361,310.00	262
Total	**22,761.79**	**15,634,510.86**	**686.87**

These numbers suggest that low volumes of very high value diamonds have been shipped to Switzerland and the United States, while the bulk of the high value goods have been shipped to the European Union. The goods going to the EU are almost three times the average value of goods being shipped from most other producing countries.

The increase in export value suggests that large quantities of low value diamonds are not being legalized at the export stage, which suggests that low value Liberian diamonds are being traded illegally within the informal domain.

The report says that Liberia continues to experience a decline in export volumes because of the "downturn in the global economy". In contradiction to that, the demand for rough diamonds has, in fact, rarely been stronger. The recession posed a momentary problem for the industry, but the issue now is a shortage of supply. Overall prices for rough diamonds rose by 27% in 2010 and both De Beers and Rio Tinto reported sales increases of over 50% during the year.

4) Diamond Production

The report contains no details of diamond *production*. In 2007 and 2008, production numbers were identical to export numbers, and in 2009, the figures were very close, suggesting that the government had no real idea of what volume of diamonds was being produced in the country. A similar problem exists in other countries where KP internal controls are weak – Sierra Leone, Guinea and DRC.

The report says that there are a "large number of illegal migrant field workers" contributing to a possible illicit outflux of Liberian diamonds because of an "unwillingness of Liberian workers to engage in this type of work". That might be plausible if the per carat average value of Liberian exports bore any resemblance to historical norms. At the values cited in the report, however, there should be absolutely no difficulty in attracting Liberians to such a lucrative enterprise. In fact the values indicated in the report suggest that if anything at all is being smuggled out, it is low value goods, leaving Liberia with only diamonds of extraordinarily high value.

There are other possible explanations for the numbers. Most likely, they represent diamonds being smuggled in from other countries. Côte d'Ivoire might be an obvious source, although Ivoirian diamonds do not traditionally have a high average value.[2] It is more likely that they have been smuggled in from Sierra Leone, where per carat averages dropped 16% between 2007 and 2009, but they could in fact originate anywhere, possibly as a money-laundering or tax evasion scheme.

5) Proposed Changes in the Liberian Registration System

The report says that it is difficult for the government to police mining districts, suggesting that miners should be allowed to register recoveries at locations that are "more convenient and secure for them" rather than at the regional centres that were established as part of the basis for Liberia's entry into the Kimberley Process. In fact the regional centres were established precisely in order to allow diggers to register at sites that were at least more convenient than Monrovia. The idea of

[2] The most recent UN Panel of Experts report on Côte d'Ivoire says that Liberia would not cooperate in the Panel's efforts to determine the possibility of smuggling into Liberia: UN Security Council Report S/2010/179, 12 April 2010, pg. 16

changing the system might make sense, but the explanation given is not clear, and could mean that the Government Diamond Office (GDO) simply doesn't want the cost and effort required to maintain the regional offices. Thus, this proposal seems directed at reducing the little control that is being exerted.

The role and results of supportive instruments such as the Diamond Task Force are not mentioned.

The report says that technical assistance is required because the database established by the US Geological Survey is "out of commission" requiring manual data entry. One might ask about government commitment and why the USGS system is out of commission, and whether the presumed solution – more computer equipment – is really the answer to the problem. Given the very low volumes of production and export (only 68 KP certificates issued at all in 2010), one might even ask why a computerised system is required at all.

None of the proposed changes addresses the questions raised.

Ian Smillie,
April 19, 2011

Annex V

Financial update provided by the Société générale de surveillance for companies with forest management contracts, 27 April 2011

Chain of Custody Financial Update
27.04.2011

SGS

LiberFor

Company	Contract	Original due date	Fee schedule	FY 2010-2011 Amount Due to GOL	Amount Paid	Outstanding amount due to date (USD)	Stumpage Invoiced	Stumpage fees paid to date	[redacted]	[redacted]
Euro Liberia Logging	FMC F	09.17.10	Annual Contract Admin Fee	1'000.00	0.00	1'000.00				
			Area fees	634'175.00	0.00	634'175.00				
			Land rental bid	2'600'117.50	0.00	2'600'117.50				
			B/F from 2009-2010	2'061'882.13	1'300'000.00	761'882.13				
			Late Payment Penalty	161'764.63	0.00	161'764.63				
			Total	**5'458'939.26**	**1'300'000.00**	4'158'939.26				
ICC	FMC K	09.17.10	Annual Contract Admin Fee	1'000.00	0.00	1'000.00				
			Area fees	667'275.00	0.00	667'275.00				
			Land rental bid	2'815'900.00	0.00	2'815'900.00				
			Late Payment Penalty	174'208.75	0.00	174'208.75				
			Total	**3'658'383.75**	**0.00**	3'658'383.75				
Gebio Logging	FMC I	09.17.10	Annual Contract Admin Fee	1'000.00	0.00	1'000.00				
			Area fees	328'665.00	0.00	328'665.00				
			Land rental bid	1'413'259.00	0.00	1'413'259.00				
			Late Payment Penalty	87'146.20	0.00	87'146.20				
			Total	**1'830'070.20**	**0.00**	1'830'070.20				
LTTC	FMC C	10.1.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	148'435.00	148'435.00	0.00				
			Land rental bid	569'990.40	0.00	569'990.40	368'084.06	368'084.06	415'630.06	23'903.90
			B/F from 2009-2010	36'047.27	35'971.27	76.00				
			Late Payment Penalty	35'971.27	0.00	35'971.27				
			Total	**791'443.94**	**185'406.27**	606'037.67				
Alpha Logging	FMC A	09.17.10	Annual Contract Admin Fee	1'000.00	0.00	1'000.00				
			Area fees	298'100.00	0.00	298'100.00				
			Land rental bid	1'198'362.00	0.00	1'198'362.00				
			Late Payment Penalty	74'873.10	0.00	74'873.10				
			Total	**1'572'335.10**	**0.00**	1'572'335.10				
Atlantic Resources	FMC P	09.17.10	Annual Contract Admin Fee	1'000.00	0.00	1'000.00				
			Area fees	298'360.00	0.00	298'360.00				
			Land rental bid	1'062'161.60	0.00	1'062'161.60				
			Late Payment Penalty	68'076.08	0.00	68'076.08				
			Total	**1'429'597.68**	**0.00**	1'429'597.68				
EJ & J	FMC B	10.1.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	143'155.00	0.00	143'155.00				
			Land rental bid	289'745.72	0.00	289'745.72	98'015.40	98'015.40	99'432.83	5'019.53
			Late Payment Penalty	21'695.04	0.00	21'695.04				
			Total	**455'595.76**	**1'000.00**	454'595.76				
FMC Grand Total				**15'196'365.68**	**1'486'406.27**	**13'709'959.41**	**466'099.46**	**466'099.46**	**515'062.91**	**28'923.43**

Annex VI

Financial update provided by the Société générale de surveillance for companies with timber sales contracts and private use permits, 27 April 2011

Chain of Custody Financial Update
27.04.2011

SGS

LiberFor

Company	Contract	Original due date	Fee schedule	FY 2010-2011 Amount Due to GOL	Amount Paid	Outstanding amount due to date (USD)	Stumpage Invoiced	Stumpage Fees paid to date	Amount Fees Paid to date	Balance Received (+/-)
B & V	TSC A9	6.27.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	6'250.00	6'225.00	25.00				
			Land rental bid	100'000.00	0.00	100'000.00				
			B/F from 2009-2010	0.00	0.00	0.00	11'603.32	-	22'896.38	916.00
			Late Payment Penalty	5'000.00	0.00	5'000.00				
			Total	112'250.00	7'225.00	105'025.00				
B & V	TSC A10	6.25.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	6'250.00	6'250.00	0.00				
			Land rental bid	30'050.00	30'050.00	0.00	-	-	-	-
			B/F from 2009-2010	0.00	0.00	0.00				
			Total	37'300.00	37'300.00	0.00				
Tarpeh Timber Co.	TSC A2	6.27.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	6'250.00	6'250.00	0.00				
			Land rental bid	29'000.00	25'000.00	0.00				
			B/F from 2009-2010	0.00	0.00	0.00	98'238.25	44'184.75	94'664.99	1'423.41
			Late Payment Penalty	0.00	0.00	0.00				
			Total	36'250.00	32'250.00	0.00				
B & B	TSC A7	10.9.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	6'250.00	6'250.00	0.00				
			Land rental bid	9'550.00	9'500.00	50.00	19'588.70	11'648.31	15'474.24	88.68
			Total	16'800.00	16'750.00	50.00				
Akewa Group	TSC A3	7.21.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	6'250.00	6'250.00	0.00				
			Land rental bid	26'000.00	26'000.00	0.00	-	-	-	-
			Total	33'250.00	33'250.00	0.00				
ThunderBird International Liberia	TSC A8	10.1.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	6'250.00	6'250.00	0.00				
			Land rental bid	10'000.00	10'000.00	0.00	-	-	-	-
			Total	17'250.00	17'250.00	0.00				
Bassa Timber And Logging	TSC A11	7.21.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	6'250.00	6'250.00	0.00				
			Land rental bid	51'250.00	51'250.00	0.00	-	-	-	-
			Late Payment Penalty	2'562.50	0.00	2'562.50				
			Total	61'062.50	58'500.00	2'562.50				
Sun Yeun (1)	TSC A15	7.21.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	6'250.00	6'250.00	0.00				
			Land rental bid	82'500.00	82'500.00	0.00	-	-	-	-
			Total	89'750.00	89'750.00	0.00				
Sun Yeun (2)	TSC A16	7.21.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Area fees	6'250.00	6'250.00	0.00				
			Land rental bid	80'000.00	80'000.00	0.00	-	-	-	-
			Total	87'250.00	87'250.00	0.00				
Ecowood (Texas International)	PUP-1	06.10.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Total	1'000.00	1'000.00	0.00	47'725.75	47'725.75	43'723.02	1'247.21
Universal Forestry Company	PUP-2	4.28.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Total	1'000.00	1'000.00	0.00	-	-	-	-
Global Logging	PUP-3	11.23.2010	Annual Contract Admin Fee	1'000.00	1'000.00	0.00				
			Total	1'000.00	1'000.00	0.00	127'314.99	127'314.99	109'142.81	2'730.00
TSC Grand Total				490'162.50	382'525.00	107'637.50	338'734.02	103'558.81	133'758.63	5'675.50

Annex VII

Report of the Auditor-General of 2011 on revenue generation from the extractive industry sectors of Liberia: transmittal letter

Office of the Auditor-General
Republic of Liberia

TRANSMITTAL LETTER

REPORT OF THE AUDITOR-GENERAL ON THE AUDIT OF LEITI TEMPLATE SUBMITTED BY THE MINISTRY OF FINANCE ON THE ASSESSMENT AND COLLECTTION OF REVENUE FROM ENTITIES WITHIN THE EXTRACTIVE INDUSTRIES IN LIBERIA FOR FISCAL YEAR 2009/10

1. I submit my report on the assessment, collections and lodgement of revenue received from concessionaires and other entities operating within the extractive industry of Liberia for the fiscal year 1 July 2009 to 30 June 2010.

2. This report, besides being a requirement under my statutory mandate as provided for under Chapter 53 of the Executive Law of 1972, is also a requirement of the Liberia Extractive Industry Transparency Initiative (LEITI), which was introduced by the Government of Liberia in response to the Extractive Industry Transparency Initiative International (EITIL).

3. The concessionaires in the extractive industry in Liberia operate under the supervision of ministries/agencies of Government namely: Ministry of Lands, Mines and Energy, Ministry of Agriculture, National Oil Company of Liberia and Forestry Development Authority. These supervising ministries/agencies as well as concessionaires are required to furnish LEITI annually, assessments made on the concessionaires, how much of each concessionaire assessment has been discharged and any outstanding obligations of concessionaire at the close of a fiscal year. My review indicated that the supervising ministries/agencies failed in this respect. As a result, LEITI and thus the Ministry of Finance were not in position to determine assessments made on concessionaires and thus expected collections, actual collections received and outstanding obligations of concessionaires at the close of the fiscal year.

4. My request to the supervising ministries/agencies to provide me templates of the assessments made on the concessionaires, how much of each concessionaire assessment has been discharged and any outstanding obligations of concessionaires at the close of a fiscal year, was also largely ignored by them.

5. Additionally, the integrity of data on collections paid by concessionaires and maintained by MOF was largely in doubt. This limitation again prevented me from validating collections obtained from the concessionaires and their lodgements at the Central Bank of Liberia.

6. Some concessionaires included in their payments for assessments made on their concessions, other payments such as payment for vehicle license plates. However, accounting for the vehicle license plates, as currently pursued, is anomalous and inconsistent with extant laws of Liberia.

7. On account of the foregoing, I was not able to determine what assessments were made on the concessionaires for the Fiscal Year 2009/10, how much was discharged and outstanding liabilities of the concessionaires at the close of the fiscal year. To remedy the deficiencies noted, I have suggested a number of measures in this report.

8. I thus urged the Chairman and Executive Director of LEITI as well as the Deputy Minister for Revenue to ensure implementation of these measures, as the deficiencies noted have the propensity to seriously undermine revenue generation efforts of the Government of Liberia.

9. I submitted a draft report to the Deputy Minister of Revenue. The Deputy Minister acknowledged the limitations noted in the report and assured me that she would ensure that they are corrected.

John S. Morlu, II
(Auditor-General R.L)

United Nations S/2011/368

Security Council

Distr.: General
17 June 2011

France, Germany, Portugal, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009) and 1988 (2011), and the relevant statements of its President,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and *reiterating* its unequivocal condemnation of Al-Qaida and other individuals, groups, undertakings and entities associated with it, for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property and greatly undermining stability,

Reaffirming that terrorism cannot and should not be associated with any religion, nationality or civilization,

Recalling the Presidential Statement of the Security Council (S/PRST/2011/9) of 2 May 2011 which notes that Usama bin Laden will no longer be able to perpetrate acts of terrorism,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, stressing in this regard the important role the United Nations plays in leading and coordinating this effort,

Expressing concern at the increase in incidents of kidnapping and hostage-taking by terrorist groups with the aim of raising funds, or gaining political concessions, and *expressing* the need for this issue to be addressed,

Stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, and international and regional organizations to impede, impair, isolate and incapacitate the terrorist threat,

Emphasizing that sanctions are an important tool under the Charter of the United Nations in the maintenance and restoration of international peace and

Please recycle

security, and stressing in this regard the need for robust implementation of the measures in paragraph 1 of this resolution as a significant tool in combating terrorist activity,

Urging all Member States to participate actively in maintaining and updating the list created pursuant to resolutions 1267 (1999) and 1333 (2000) ("the Consolidated List") by contributing additional information pertinent to current listings, submitting delisting requests when appropriate, and by identifying and nominating for listing additional individuals, groups, undertakings and entities which should be subject to the measures referred to in paragraph 1 of this resolution,

Reminding the Committee established pursuant to resolution 1267 (1999) ("the Committee") to remove expeditiously and on a case-by-case basis individuals and entities that no longer meet the criteria for listing outlined in this resolution,

Recognizing the challenges, both legal and otherwise, to the measures implemented by Member States under paragraph 1 of this resolution, *welcoming* improvements to the Committee's procedures and the quality of the Consolidated List, and *expressing* its intent to continue efforts to ensure that procedures are fair and clear,

Welcoming in particular the successful completion of the review of all names on the Consolidated List pursuant to paragraph 25 of resolution 1822 (2008) and the significant progress made to enhance the integrity of the Consolidated List,

Welcoming the establishment of the Office of the Ombudsperson pursuant to resolution 1904 (2009) and the role it has performed since its establishment, *noting* the Ombudsperson's important role in improving fairness and transparency, *recalling* the Security Council's firm commitment to ensuring that the Office of the Ombudsperson is able to continue to carry out its role effectively, in accordance with its mandate and *recalling also* the Presidential Statement of the Security Council (S/PRST/2011/5) of 28 February 2011,

Reiterating that the measures referred to in paragraph 1 of this resolution are preventative in nature and are not reliant upon criminal standards set out under national law,

Welcoming the second review in September 2010 by the General Assembly of the United Nations Global Counter-Terrorism Strategy (A/60/288) of 8 September 2006 and the creation of the Counter-Terrorism Implementation Task Force (CTITF) to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system,

Welcoming the continuing cooperation between the Committee and INTERPOL, the United Nations Office on Drugs and Crime, in particular on technical assistance and capacity building, and all other UN bodies, and encouraging further engagement with the CTITF to ensure overall coordination and coherence in the counter-terrorism efforts of the UN system,

Recognizing the need to take measures to prevent and suppress the financing of terrorism and terrorist organizations, including from the proceeds of organized crime, inter alia, the illicit production and trafficking of drugs and their chemical precursors, and the importance of continued international cooperation to that aim,

Noting with concern the continued threat posed to international peace and security by Al-Qaida and other individuals, groups, undertakings and entities associated with it, and *reaffirming* its resolve to address all aspects of that threat, and *considering* the 1267 Committee's deliberations on the recommendation of the 1267 Monitoring Team in its Eleventh Report to the 1267 Committee that Member States treat listed Taliban and listed individuals and entities of Al-Qaida and its affiliates differently,

Noting that, in some instances, certain individuals, groups, undertakings, and entities that meet the criteria for listing set forth in paragraph 3 of resolution 1988 (2011) may also meet the criteria for listing set forth in paragraph 4 of this resolution,

Acting under Chapter VII of the Charter of the United Nations,

Measures

1. *Decides* that all States shall take the measures as previously imposed by paragraph 8 (c) of resolution 1333 (2000), and paragraphs 1 and 2 of resolution 1390 (2002), with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with them, including those referred to in section C ("Individuals associated with Al-Qaida") and section D ("Entities and other groups and undertakings associated with Al-Qaida") of the Consolidated List established pursuant to resolutions 1267 (1999) and 1333 (2000), as well as those designated after the date of adoption of this resolution, which shall henceforth be known as the Al-Qaida Sanctions List"):

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

(c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities;

2. *Notes* that, pursuant to resolution 1988 (2011), the Taliban, and other individuals, groups, undertakings and entities associated with them, as previously included in sections A ("Individuals associated with the Taliban) and section B ("Entities and other groups and undertaking associated with the Taliban") of the Consolidated List established pursuant to resolutions 1267 (1999) and 1333 (2000)

are not governed by this resolution and *decides* that henceforth the Al-Qaida Sanctions List shall include only the names of those individuals, groups, undertakings and entities associated with Al-Qaida;

3. *Directs* the Committee to transmit to the Committee established pursuant to resolution 1988 all listing submissions, delisting requests and proposed updates to the existing information relevant to section A ("Individuals associated with the Taliban") and section B ("entities and other groups and undertakings associated with the Taliban") of the Consolidated List that were pending before the Committee as of the date of adoption of this resolution, so that the Committee established pursuant to resolution 1988 can consider those matters in accordance with resolution 1988;

4. *Reaffirms* that acts or activities indicating that an individual, group, undertaking, or entity is associated with Al-Qaida include:

(a) participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) supplying, selling or transferring arms and related materiel to;

(c) recruiting for; or otherwise supporting acts or activities of Al-Qaida or any cell, affiliate, splinter group or derivative thereof;

5. *Further reaffirms* that any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida shall be eligible for designation;

6. *Confirms* that the requirements in paragraph 1(a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida and other individuals, groups, undertakings, or entities associated with it;

7. Notes that such means of financing or support include but are not limited to the use of proceeds derived from crime, including the illicit cultivation, production and trafficking of narcotic drugs and their precursors;

8. *Confirms* further that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Al-Qaida Sanctions List;

9. *Decides* that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

10. *Encourages* Member States to make use of the provisions regarding available exemptions to the measures in paragraph 1 (a) above, set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and *directs* the Committee to review the procedures for exemptions as set out in the Committee's guidelines to facilitate their use by Member States and to continue to ensure that exemptions are granted expeditiously and transparently;

11. *Directs* the Committee to cooperate with other relevant Security Council Sanctions Committees, in particular that established pursuant to resolution 1988 (2011);

Listing

12. *Encourages* all Member States to submit to the Committee for inclusion on the Al-Qaida Sanctions List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of Al-Qaida, and other individuals, groups, undertakings and entities associated with it, as described in paragraph 2 of resolution 1617 (2005) and reaffirmed in paragraph 4 above;

13. *Reaffirms* that, when proposing names to the Committee for inclusion on the Al-Qaida Sanctions List, Member States shall act in accordance with paragraph 5 of resolution 1735 (2006) and paragraph 12 of resolution 1822 (2008), and provide a detailed statement of case, and *decides further* that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 16 below;

14. *Decides* that Member States proposing a new designation, as well as Member States that have proposed names for inclusion on the Al-Qaida Sanctions List before the adoption of this resolution, shall specify whether the Committee, or the Ombudsperson, or the Secretariat or Monitoring Team on its behalf, may make known the Member State's status as a designating State; and *strongly encourages* designating States to respond positively to such a request;

15. *Decides* that Member States, when proposing names to the Committee for inclusion on the Al-Qaida Sanctions List shall use the standard form for listing, and provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings and entities, and to the extent possible, the information required by Interpol to issue a Special Notice, and *directs* the Committee to update, as necessary, the standard form for listing in accordance with the provisions of this resolution; and *further directs* the Monitoring Team to report to the Committee on further steps that could be taken to improve identifying information;

16. *Welcomes* efforts by the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the Al-Qaida Sanctions List, a narrative summary of reasons for listing for the corresponding entry or entries, and *directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to continue its efforts to make accessible on the Committee's website narrative summaries of reasons for all listings;

17. *Encourages* Member States and relevant international organizations and bodies to inform the Committee of any relevant court decisions and proceedings so that the Committee can consider them when it reviews a corresponding listing or updates a narrative summary of reasons for listing;

18. *Calls upon* all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 16;

19. *Reaffirms* that the Secretariat shall, after publication but within 3 working days after a name is added to the Al-Qaida Sanctions List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), in accordance with paragraph 10 of resolution 1735 (2006), *requests* the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the Al-Qaida Sanctions List, and *highlights* the importance of making the narrative summary of reasons for listing available in all official languages of the United Nations in a timely manner;

20. *Reaffirms* further the provisions in paragraph 17 of resolution 1822 (2008) regarding the requirement that Member States take all possible measures, in accordance with their domestic laws and practices, to notify or inform in a timely manner the listed individual or entity of the designation and to include with this notification the narrative summary of reasons for listing, a description of the effects of designation, as provided in the relevant resolutions, the Committee's procedures for considering delisting requests, including the possibility of submitting such a request to the Ombudsperson in accordance with paragraph 20 and Annex II of this resolution, and the provisions of resolution 1452 (2002) regarding available exemptions;

Delisting/Ombudsperson

21. *Decides* to extend the mandate of the Office of the Ombudsperson, established by resolution 1904 (2009), as reflected in the procedures outlined in Annex II of this resolution, for a period of 18 months from the date of adoption of this resolution, and *decides* that the Ombudsperson shall continue to receive requests from individuals, groups, undertakings or entities seeking to be removed from the Al-Qaida Sanctions List in an independent and impartial manner and shall neither seek nor receive instructions from any government, and *decides* that the Ombudsperson shall present to the Committee observations and a recommendation on the delisting of those individuals, groups, undertakings or entities that have requested removal from the Al-Qaida Sanctions List through the Office of the Ombudsperson, either a recommendation to retain the listing or a recommendation that the Committee consider delisting;

22. *Decides* that the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in place with respect to that individual, group, undertaking, or entity, where the Ombudsperson recommends retaining the listing in the Comprehensive Report of the Ombudsperson on a delisting request pursuant to annex II;

23. *Decides* that the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking, or entity 60 days after the Committee completes consideration of a Comprehensive Report of the Ombudsperson, in accordance with annex II of this resolution, including paragraph 6 (h) thereof, where the Ombudsperson recommends that the Committee consider delisting, unless the Committee decides by consensus before the end of that 60 day period that the requirement shall remain in place with respect to that individual, group, undertaking, or entity; *provided* that, in cases

where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking, or entity to the Security Council for a decision within a period of 60 days; and *provided further* that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking, or entity until the question is decided by the Security Council;

24. *Requests* the Secretary General to strengthen the capacity of the Office of the Ombudsperson to ensure its continued ability to carry out its mandate in an effective and timely matter;

25. *Strongly urges* Member States to provide all relevant information to the Ombudsperson, including providing any relevant confidential information, where appropriate, and *confirms* that the Ombudsperson must comply with any confidentiality restrictions that are placed on such information by Member States providing it;

26. *Requests* that Member States and relevant international organizations and bodies encourage individuals and entities that are considering challenging or are already in the process of challenging their listing through national and regional courts to seek removal from the Al-Qaida Sanctions List by submitting delisting petitions to the Office of the Ombudsperson;

27. *Decides* that when the designating State submits a delisting request, the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking, or entity after 60 days unless the Committee decides by consensus before the end of that 60 day period that the measures shall remain in place with respect to that individual, group, undertaking or entity; *provided* that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking, or entity to the Security Council for a decision within a period of 60 days; and *provided further* that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking, or entity until the question is decided by the Security Council;

28. *Decides* that, for purposes of submitting a delisting request in paragraph 27, consensus must exist between or among all designating states in cases where there are multiple designating states; and *decides further* that co-sponsors of listing requests shall not be considered designating states for purposes of paragraph 27;

29. *Strongly urges* designating States to allow the Ombudsperson to reveal their identities as designating States, to those listed individuals and entities that have submitted delisting petitions to the Ombudsperson;

30. *Directs* the Committee to continue to work, in accordance with its guidelines, to consider delisting requests of Member States for the removal from the Al-Qaida Sanctions List of individuals, groups, undertakings, and entities that are alleged to no longer meet the criteria established in the relevant resolutions, and set out in paragraph 4 of the present resolution, which shall be placed on the Committee's agenda upon request of a member of the Committee, and *encourages* Member States to provide reasons for submitting their delisting requests;

31. *Encourages* States to submit delisting requests for individuals that are officially confirmed to be dead, particularly where no assets are identified, and for entities reported or confirmed to have ceased to exist, while at the same time taking all reasonable measures to ensure that the assets that had belonged to these individuals or entities have not been or will not be transferred or distributed to other individuals, groups, undertakings, and entities on the Al-Qaida Sanctions List;

32. *Encourages* Member States, when unfreezing the assets of a deceased individual or an entity that is reported or confirmed to have ceased to exist as a result of a delisting, to recall the obligations set forth in resolution 1373 (2001) and, particularly, to prevent unfrozen assets from being used for terrorist purposes;

33. *Calls upon* the Committee when considering delisting requests to give due consideration to the opinions of designating State(s), and State(s) of residence, nationality, location or incorporation, and other relevant States as determined by the Committee, *directs* the Committee members to provide their reasons for objecting to delisting requests at the time the request is objected to, and *calls upon* the Committee to share its reasons, with relevant Member States and national and regional courts and bodies, where appropriate;

34. *Encourages* all Member States, including designating States and States of residence and nationality, to provide all information to the Committee relevant to the Committee's review of delisting petitions, and to meet with the Committee, if requested, to convey their views on delisting requests, and further *encourages* the Committee, where appropriate, to meet with representatives of national or regional organizations and bodies who have relevant information on delisting petitions;

35. *Confirms* that the Secretariat shall, within 3 days after a name is removed from the Al-Qaida Sanctions List, notify the Permanent Mission of the State(s) of residence, nationality, location or incorporation (to the extent this information is known), and *decides* that States receiving such notification shall take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

Review and maintenance of the Al-Qaida Sanctions List

36. *Encourages* all Member States, in particular designating States and States of residence or nationality, to submit to the Committee additional identifying and other information, along with supporting documentation, on listed individuals, groups, undertakings and entities, including updates on the operating status of listed entities, groups and undertakings, the movement, incarceration or death of listed individuals and other significant events, as such information becomes available;

37. *Requests* the Monitoring Team to circulate to the Committee every six months a list of individuals and entities on the Al-Qaida Sanctions List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them, and *directs* the Committee to review these listings to decide whether they remain appropriate;

38. *Reaffirms* that the Monitoring Team should circulate to the Committee every six months a list of individuals on the Al-Qaida Sanctions List who are reportedly deceased, along with an assessment of relevant information such as the certification of death, and to the extent possible, the status and location of frozen assets and the names of any individuals or entities who would be in a position to

receive any unfrozen assets, *directs* the Committee to review these listings to decide whether they remain appropriate, and *calls upon* the Committee to remove listings of deceased individuals, where credible information regarding death is available;

39. *Reaffirms* that the Monitoring Team should circulate to the Committee every six months a list of entities on the Al-Qaida Sanctions List that are reported or confirmed to have ceased to exist, along with an assessment of any relevant information, *directs* the Committee to review these listings to decide whether they remain appropriate, and *calls upon* the Committee to remove such listings where credible information is available;

40. *Further directs* the Committee, in light of the completion of the review described in paragraph 25 of resolution 1822 (2008), to conduct an annual review of all names on the Al-Qaida Sanctions List that have not been reviewed in three or more years ("the triennial review"), in which the relevant names are circulated to the designating States and States of residence, nationality, location or incorporation, where known, pursuant to the procedures set forth in the Committee guidelines, to ensure the Al-Qaida Sanctions List is as updated and accurate as possible through identifying listings that no longer remain appropriate and confirming listings that remain appropriate, and *notes* that the Committee's consideration of a delisting request after the date of adoption of this resolution, pursuant to the procedures set out in annex II of resolution 1904 (2009), should be considered equivalent to a review conducted pursuant to paragraph 26 of resolution 1822 (2008);

Measures implementation

41. *Reiterates* the importance of all States identifying, and if necessary introducing, adequate procedures to implement fully all aspects of the measures described in paragraph 1 above; and recalling paragraph 7 of resolution 1617 (2005), strongly *urges* all Member States to implement the comprehensive international standards embodied in the Financial Action Task Force's (FATF) Forty Recommendations on Money Laundering and the FATF Nine Special Recommendations on Terrorist Financing, and *encourages* Member States to utilize the guidance provided by Special Recommendation III for effective implementation of targeted counter-terrorism sanctions;

42. *Directs* the Committee to continue to ensure that fair and clear procedures exist for placing individuals and entities on the Al-Qaida List and for removing them as well as for granting exemptions per resolution 1452 (2002), and *directs* the Committee to keep its guidelines under active review in support of these objectives;

43. *Directs* the Committee, as a matter of priority, to review its guidelines with respect to the provisions of this resolution, in particular paragraphs 10, 12, 14, 15, 17, 21, 23, 27, 28, 30, 33, 37, and 40;

44. *Encourages* Member States, including through their permanent missions, and relevant international organizations to meet the Committee for in-depth discussion on any relevant issues;

45. *Requests* the Committee to report to the Council on its findings regarding Member States' implementation efforts, and identify and recommend steps necessary to improve implementation;

46. *Directs* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraph 1 above and to determine the appropriate course of action on each case, and *requests* the Chairman, in periodic reports to the Council pursuant to paragraph 55 below, to provide progress reports on the Committee's work on this issue;

47. *Urges* all Member States, in their implementation of the measures set out in paragraph 1 above, to ensure that fraudulent, counterfeit, stolen and lost passports and other travel documents are invalidated and removed from circulation, in accordance with domestic laws and practices, as soon as possible, and to share information on those documents with other Member States through the INTERPOL database;

48. *Encourages* Member States to share, in accordance with their domestic laws and practices, with the private sector information in their national databases related to fraudulent, counterfeit, stolen and lost identity or travel documents pertaining to their own jurisdictions, and, if a listed party is found to be using a false identity including to secure credit or fraudulent travel documents, to provide the Committee with information in this regard;

49. *Confirms* that no matter should be left pending before the Committee for a period longer than six months, unless the Committee determines on a case-by-case basis that extraordinary circumstances require additional time for consideration, in accordance with the Committee's guidelines;

50. *Encourages* designating States to inform the Monitoring Team whether a national court or other legal authority has reviewed an individual's case and whether any judicial proceedings have begun, and to include any other relevant information when it submits its standard form for listing;

51. *Requests* the Committee to facilitate, through the Monitoring Team or specialized UN agencies, assistance on capacity building for enhancing implementation of the measures, upon request by Member States;

Coordination and outreach

52. *Reiterates* the need to enhance ongoing cooperation among the Committee, the Counter- Terrorism Committee (CTC) and the Committee established pursuant to resolution 1540 (2004), as well as their respective groups of experts, including through, as appropriate, enhanced information-sharing, coordination on visits to countries within their respective mandates, on facilitating and monitoring technical assistance, on relations with international and regional organizations and agencies and on other issues of relevance to all three committees, *expresses its intention* to provide guidance to the committees on areas of common interest in order better to coordinate their efforts and facilitate such cooperation, and *requests* the Secretary-General to make the necessary arrangements for the groups to be co-located as soon as possible;

53. *Encourages* the Monitoring Team and the United Nations Office on Drugs and Crime, to continue their joint activities, in cooperation with CTED and 1540 Committee experts to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including through organizing regional and subregional workshops;

54. *Requests* the Committee to consider, where and when appropriate, visits to selected countries by the Chairman and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to comply fully with this resolution and resolutions 1267 (1999), 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008) and 1904 (2009);

55. *Requests* the Committee to report orally, through its Chairman, at least every 180 days to the Council on the state of the overall work of the Committee and the Monitoring Team, and, as appropriate, in conjunction with the reports by the Chairmen of CTC and the Committee established pursuant to resolution 1540 (2004), and *further requests* the Chair to hold periodic briefings for all interested Member States;

Monitoring Team

56. *Decides*, in order to assist the Committee in fulfilling its mandate, as well as to support the Ombudsperson, to extend the mandate of the current New York-based Monitoring Team and its members, established pursuant to paragraph 7 of resolution 1526 (2004), for a further period of 18 months, under the direction of the Committee with the responsibilities outlined in annex I, and requests the Secretary-General to make the necessary arrangements to this effect;

57. *Directs* the Monitoring Team to review the Committee's procedures for granting exemptions pursuant to resolution 1452 (2002), and to provide recommendations for how the Committee can improve the process for granting such exemptions;

58. *Directs* the Monitoring Team to keep the Committee informed of instances of non-compliance with the measures imposed in this resolution, and further *directs* the Monitoring Team to provide recommendations to the Committee on actions taken to respond to non-compliance;

Reviews

59. *Decides* to review the measures described in paragraph 1 above with a view to their possible further strengthening in 18 months, or sooner if necessary;

60. *Decides* to remain actively seized of the matter.

Annex I

In accordance with paragraph 56 of this resolution, the Monitoring Team shall operate under the direction of the Committee and shall have the following responsibilities:

(a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 31 March 2012, and the second by 31 October 2012, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

(b) To assist the Ombudsperson in carrying out his or her mandate as specified in Annex II of this resolution;

(c) To assist the Committee in regularly reviewing names on the Al-Qaida Sanctions List, including by undertaking travel and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

(d) To analyse reports submitted pursuant to paragraph 6 of resolution 1455 (2003), the checklists submitted pursuant to paragraph 10 of resolution 1617 (2005), and other information submitted by Member States to the Committee, as instructed by the Committee;

(e) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

(f) To submit a comprehensive program of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel, based on close coordination with CTED and the 1540 Committee's group of experts to avoid duplication and reinforce synergies;

(g) To work closely and share information with CTED and the 1540 Committee's group of experts to identify areas of convergence and overlap and to help facilitate concrete coordination, including in the area of reporting, among the three Committees;

(h) To participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy including within the Counter-Terrorism Implementation Task Force, established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system, in particular through its relevant working groups;

(i) To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

(j) To present to the Committee recommendations, which could be used by member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the Al-Qaida Sanctions List;

(k) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 16;

(l) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly-reported information on a deceased individual;

(m) To consult with Member States in advance of travel to selected Member States, based on its program of work as approved by the Committee;

(n) To coordinate and cooperate with the national counter-terrorism focal point or similar coordinating body in the country of visit, where appropriate;

(o) To encourage Member States to submit names and additional identifying information for inclusion on the Al-Qaida Sanctions List, as instructed by the Committee;

(p) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the Al-Qaida Sanctions List as updated and accurate as possible;

(q) To study and report to the Committee on the changing nature of the threat of Al-Qaida and the best measures to confront it, including by developing a dialogue with relevant scholars and academic bodies, in consultation with the Committee;

(r) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures, including implementation of the measure in paragraph 1(a) of this resolution as it pertains to preventing the criminal misuse of the Internet by Al-Qaida, and other individuals, groups, undertakings and entities associated with it; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(s) To consult with Member States and other relevant organizations, including regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this annex;

(t) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

(u) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

(v) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

(w) To assist the Committee in facilitating assistance on capacity building for enhancing implementation of the measures, upon request by Member States;

(x) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices;

(y) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006);

(z) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(aa) To submit to the Committee within 90 days a written report and recommendations on linkages between Al-Qaida and those individuals, groups, undertakings, or entities eligible for designation under paragraph 1 of resolution 1988 (2011), with a particular focus on entries that appear on both the Al-Qaida Sanctions List and the 1988 List, and thereafter submit such a report and recommendations periodically.

(bb) Any other responsibility identified by the Committee.

Annex II

In accordance with paragraph 21 of this resolution, the Office of the Ombudsperson shall be authorized to carry out the following tasks upon receipt of a delisting request submitted by, or on behalf of, an individual, group, undertaking or entity on the Al-Qaida Sanctions List or by the legal representative or estate of such individual, group, undertaking or entity ("the petitioner").

The Council recalls that Member States are not permitted to submit delisting petitions on behalf of an individual, group, undertaking or entity to the Office of the Ombudsperson.

Information gathering (four months)

1. Upon receipt of a delisting request, the Ombudsperson shall:

(a) Acknowledge to the petitioner the receipt of the delisting request;

(b) Inform the petitioner of the general procedure for processing delisting requests;

(c) Answer specific questions from the petitioner about Committee procedures; and

(d) Inform the petitioner in case the petition fails to properly address the original designation criteria, as set forth in paragraph 4 of this resolution, and return it to the petitioner for his or her consideration;

(e) Verify if the request is a new request or a repeated request and, if it is a repeated request to the Ombudsperson and it does not contain any additional information, return it to the petitioner for his or her consideration.

2. For delisting petitions not returned to the petitioner, the Ombudsperson shall immediately forward the delisting request to the members of the Committee, designating State(s), State(s) of residence and nationality or incorporation, relevant UN bodies, and any other States deemed relevant by the Ombudsperson. The Ombudsperson shall ask these States or relevant UN bodies to provide, within four months, any appropriate additional information relevant to the delisting request. The Ombudsperson may engage in dialogue with these States to determine:

(a) These States' opinions on whether the delisting request should be granted; and

(b) Information, questions or requests for clarifications that these States would like to be communicated to the petitioner regarding the delisting request, including any information or steps that might be taken by a petitioner to clarify the delisting request.

3. The Ombudsperson shall also immediately forward the delisting request to the Monitoring Team, which shall provide to the Ombudsperson, within four months:

(a) All information available to the Monitoring Team that is relevant to the delisting request, including court decisions and proceedings, news reports, and information that States or relevant international organizations have previously shared with the Committee or the Monitoring Team;

(b) Fact-based assessments of the information provided by the petitioner that is relevant to the delisting request; and

(c) Questions or requests for clarifications that the Monitoring Team would like asked of the petitioner regarding the delisting request.

4. At the end of this four-month period of information gathering, the Ombudsperson shall present a written update to the Committee on progress to date, including details regarding which States have supplied information. The Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for information gathering, giving due consideration to requests by Member States for additional time to provide information.

Dialogue (two months)

5. Upon completion of the information gathering period, the Ombudsperson shall facilitate a two-month period of engagement, which may include dialogue with the petitioner. Giving due consideration to requests for additional time, the Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for engagement and the drafting of the Comprehensive Report described in paragraph 7 below. The Ombudsperson may shorten this time period if he or she assesses less time is required.

6. During this period of engagement, the Ombudsperson:

(a) May ask the petitioner questions or request additional information or clarifications that may help the Committee's consideration of the request, including any questions or information requests received from relevant States, the Committee and the Monitoring Team;

(b) Should request from the petitioner a signed statement in which the petitioner declares that they have no ongoing association with Al-Qaida, or any cell, affiliate, splinter group, or derivative thereof, and undertakes not to associate with Al-Qaida in the future;

(c) Should meet with the petitioner, to the extent possible;

(d) Shall forward replies from the petitioner back to relevant States, the Committee and the Monitoring Team and follow up with the petitioner in connection with incomplete responses by the petitioner; and

(e) Shall coordinate with States, the Committee and the Monitoring Team regarding any further inquiries of, or response to, the petitioner;

(f) During the information gathering or dialogue phase, the Ombudsperson may share with relevant States information provided by a State, including that State's position on the delisting request, if the State which provided the information consents;

(g) In the course of the information gathering and dialogue phases and in the preparation of the report, the Ombudsperson shall not disclose any information shared by a state on a confidential basis, without the express written consent of that state;

(h) During the dialogue phase, the Ombudsperson shall give serious consideration to the opinions of designating states, as well as other Member States that come forward with relevant information, in particular those Member States most affected by acts or associations that led to the original designation.

7. Upon completion of the period of engagement described above, the Ombudsperson, with the help of the Monitoring Team, shall draft and circulate to the Committee a Comprehensive Report that will exclusively:

(a) Summarize and, as appropriate, specify the sources of, all information available to the Ombudsperson that is relevant to the delisting request. The report shall respect confidential elements of Member States' communications with the Ombudsperson;

(b) Describe the Ombudsperson's activities with respect to this delisting request, including dialogue with the petitioner; and

(c) Based on an analysis of all the information available to the Ombudsperson and the Ombudsperson's recommendations, lay out for the Committee the principal arguments concerning the delisting request.

Committee discussion

8. After the Committee has had 15 days to review the Comprehensive Report in all official languages of the United Nations, the chair of the Committee shall place the delisting request on the Committee's agenda for consideration.

9. When the Committee considers the delisting request, the Ombudsperson, aided by the Monitoring Team, as appropriate, shall present the Comprehensive Report in person and answer Committee members' questions regarding the request.

10. Committee consideration of the Comprehensive Report shall be completed no later than 30 days from the date the Comprehensive Report is submitted to the Committee for its review.

11. In cases where the Ombudsperson recommends retaining the listing, the requirement for States to take the measures in paragraph 1 of this resolution shall remain in place with respect to that individual, group, undertaking, or entity, unless a Committee member submits a delisting request, which the Committee shall consider under its normal consensus procedures.

12. In cases where the Ombudsperson recommends that the Committee consider delisting, the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking, or entity 60 days after the Committee completes consideration of a Comprehensive Report of the Ombudsperson, in accordance with this annex II, including paragraph 6 (h), unless the Committee decides by consensus before the end of that 60 day period that the requirement shall remain in place with respect to that individual, group, undertaking, or entity; *provided* that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking, or entity to the Security Council for a decision within a period of 60 days; and *provided further* that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with

respect to that individual, group, undertaking, or entity until the question is decided by the Security Council;

13. If the Committee decides to reject the delisting request, then the Committee shall convey to the Ombudsperson its decision, setting out its reasons, and including any further relevant information about the Committee's decision, and an updated narrative summary of reasons for listing.

14. After the Committee has informed the Ombudsperson that the Committee has rejected a delisting request, then the Ombudsperson shall send to the petitioner, with an advance copy sent to the Committee, within fifteen days a letter that:

(a) Communicates the Committee's decision for continued listing;

(b) Describes, to the extent possible and drawing upon the Ombudsperson's Comprehensive Report, the process and publicly releasable factual information gathered by the Ombudsperson; and

(c) Forwards from the Committee all information about the decision provided to the Ombudsperson pursuant to paragraph 13 above.

15. In all communications with the petitioner, the Ombudsperson shall respect the confidentiality of Committee deliberations and confidential communications between the Ombudsperson and Member States.

Other Office of the Ombudsperson Tasks

16. In addition to the tasks specified above, the Ombudsperson shall:

(a) Distribute publicly releasable information about Committee procedures, including Committee Guidelines, fact sheets and other Committee-prepared documents;

(b) Where address is known, notify individuals or entities about the status of their listing, after the Secretariat has officially notified the Permanent Mission of the State or States, pursuant to paragraph 19 of this resolution; and

(c) Submit biannual reports summarizing the activities of the Ombudsperson to the Security Council.

United Nations S/2011/369

Security Council

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The Security Council,

Recalling its previous resolutions on international terrorism and the threat it poses to Afghanistan, in particular its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009) and the relevant statements of its President,

Recalling its previous resolutions extending through March 22, 2012 the mandate of the United Nations Assistance Mission in Afghanistan (UNAMA) as established by resolution 1974 (2011),

Reaffirming that the situation in Afghanistan still constitutes a threat to international peace and security, and *expressing* its strong concern about the security situation in Afghanistan, in particular the ongoing violent and terrorist activities by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade, and the strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Afghanistan,

Stressing the importance of a comprehensive political process in Afghanistan to support reconciliation among all Afghans, and *recognizing* there is no purely military solution that will ensure the stability of Afghanistan,

Recalling the Government of Afghanistan's strong desire to seek national reconciliation, as set forth in the Bonn Agreement (2001), the London Conference (2010), and the Kabul Conference (2010),

Recognizing that the security situation in Afghanistan has evolved and that some members of the Taliban have reconciled with the Government of Afghanistan, have rejected the terrorist ideology of Al-Qaida and its followers, and support a peaceful resolution to the continuing conflict in Afghanistan,

Recognizing that notwithstanding the evolution of the situation in Afghanistan and progress in reconciliation, the situation in Afghanistan remains a threat to international peace and security, and *reaffirming* the need to combat this threat by all means, in accordance with the Charter of the United Nations and international

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law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role the United Nations plays in this effort,

Recalling that the conditions for reconciliation, open to all Afghans, laid forth in the 20 July 2010 Kabul Communique, supported by the Government of Afghanistan and the international community, include the renunciation of violence, no links to international terrorist organizations, and respect for the Afghan Constitution, including the rights of women and persons belonging to minorities,

Stressing the importance of all individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of those previously designated as the Taliban, as well as those individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan, accepting the Government of Afghanistan's offer of reconciliation,

Taking note of the Government of Afghanistan's request that the Security Council support national reconciliation by removing Afghan names from the UN sanctions lists for those who respect the conditions for reconciliation, and, therefore, have ceased to engage in or support activities that threaten the peace, stability and security of Afghanistan,

Welcoming the results of the Consultative Peace Jirga held on 6 June 2010, in which 1,600 Afghan delegates, representing a broad cross-section of all Afghan ethnic and religious groups, government officials, religious scholars, tribal leaders, civil society, and Afghan refugees residing in Iran and Pakistan, discussed an end to insecurity and developed a plan for lasting peace in the country,

Welcoming the establishment of the High Peace Council and its outreach efforts both within and outside Afghanistan,

Stressing the central and impartial role that the United Nations continues to play in promoting peace, stability and security in Afghanistan, and *expressing* its appreciation and strong support for the ongoing efforts of the Secretary-General, his Special Representative for Afghanistan and the UNAMA Salaam Support Group to assist the High Peace Council's peace and reconciliation efforts,

Reiterating its support for the fight against illicit production and trafficking of drugs from, and chemical precursors to, Afghanistan, in neighbouring countries, countries on trafficking routes, drug destination countries and precursors producing countries,

Expressing concern at the increase in incidents of kidnapping and hostage-taking with the aim of raising funds, or gaining political concessions, and *expressing* the need for this issue to be addressed,

Reiterating the need to ensure that the present sanctions regime contributes effectively to ongoing efforts to combat the insurgency and support the Government of Afghanistan's work to advance reconciliation in order to bring about peace, stability, and security in Afghanistan, and *considering* the 1267 Committee's deliberations on the recommendation of the 1267 Monitoring Team in its Eleventh Report to the 1267 Committee that Member States treat listed Taliban and listed individuals and entities of Al-Qaida and its affiliates differently in promoting peace and stability in Afghanistan,

Reaffirming international support for Afghan-led reconciliation efforts, and expressing its intention to give due regard to lifting sanctions on those who reconcile,

Acting under Chapter VII of the Charter of the United Nations,

Measures

1. *Decides* that all States shall take the following measures with respect to individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them, as specified in section A ("Individuals associated with the Taliban") and section B ("entities and other groups and undertaking associated with the Taliban") of the Consolidated List of the Committee established pursuant to resolution 1267 (1999) and 1333 (2000) as of the date of adoption of this resolution, as well as other individuals, groups, undertakings, and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established in paragraph 30, (hereafter known as "the List"):

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified, including where this directly relates to supporting efforts by the Government of Afghanistan to promote reconciliation;

(c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities;

2. Decides that those previously designated as the Taliban, and other individuals groups, undertakings and entities associated with them, whose names were inscribed in sections A ("Individuals associated with the Taliban") and section B ("entities and other groups and undertakings associated with the Taliban") of the Consolidated List maintained by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities on the date of adoption of this resolution shall no longer be a part of the Consolidated List, but shall henceforth be on the List described in paragraph 1, and *decides further* that all States shall take the measures set forth in paragraph 1 against these listed individuals, groups, undertakings and entities;

3. *Decides* that the acts or activities indicating that an individual, group, undertaking, or entity is eligible for designation under paragraph 1 include:

(a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) Supplying, selling or transferring arms and related materiel to;

(c) Recruiting for; or

(d) Otherwise supporting acts or activities of those designated and other individuals, groups, undertakings, and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan;

4. *Affirms* that any undertaking or entity owned or controlled, directly or indirectly by, or otherwise supporting, such an individual, group, undertaking or entity on the List, shall be eligible for designation;

5. *Notes* that such means of financing or support include but are not limited to the use of proceeds derived from illicit cultivation, production and trafficking of narcotic drugs and their precursors originating in and transiting through Afghanistan;

6. *Confirms* that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of the Taliban on this List, and other individuals, groups, undertakings and entities associated with them, as well as other individuals, groups, undertakings, and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan and other individuals, groups, undertakings, or entities associated with them;

7. *Confirms* further that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the 1988 Sanctions List;

8. *Decides* that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

9. *Decides* that all Member States may make use of the provisions set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006) regarding available exemptions with regard to the measures in paragraph 1 (a), and *encourages* their use by Member States;

Listing

10. *Encourages* all Member States to submit to the Committee established under paragraph 30 below ("the Committee") for inclusion on the List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities described in paragraph 3 above;

11. *Decides* that, when proposing names to the Committee for inclusion on the List, Member States shall provide the Committee with as much relevant

information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings, and entities, and to the extent possible, the information required by Interpol to issue a Special Notice;

12. *Decides* that, when proposing names to the Committee for inclusion on the List, Member States shall also provide a detailed statement of case, and that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 13 below;

13. *Directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the List, a narrative summary of reasons for listing for the corresponding entry or entries;

14. *Calls upon* all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 13;

15. *Requests* the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after a name is added to the List, and *highlights* the importance of making the narrative summary of reasons for listing available in all official languages of the United Nations in a timely manner;

16. *Calls upon* Member States, when considering the proposal of a new designation, to consult with the Government of Afghanistan on the designation prior to submission to the Committee, where appropriate, and *encourages* all Member States considering the proposal of a new designation to seek advice from UNAMA, where appropriate;

17. *Decides* that the Committee shall, after publication but within three working days after a name is added to the List, notify the Government of Afghanistan, the Permanent Mission of Afghanistan, and the Permanent Mission of the State(s) where the individual or entity is believed to be located and, in the case of non-Afghan individuals or entities, the State(s) of which the person is believed to be a national;

Delisting

18. *Directs* the Committee to remove expeditiously individuals and entities on a case-by-case basis that no longer meet the listing criteria outlined in paragraph 3 above, and *requests* that the Committee give due regard to requests for removal of individuals that meet the reconciliation conditions agreed to by the Government of Afghanistan and the international community, which include the renunciation of violence, no links to international terrorist organizations, including Al-Qaida, or any cell, affiliate, splinter group, or derivative thereof, and respect for the Afghan Constitution, including the rights of women and persons belonging to minorities;

19. *Calls upon* Member States to coordinate their delisting requests, as appropriate, with the Government of Afghanistan to ensure coordination with the Government of Afghanistan's peace and reconciliation efforts;

20. *Decides* that individuals and entities seeking removal from the List without the sponsorship of a Member State are eligible to submit such requests to the Focal Point mechanism established in resolution 1730 (2006);

21. *Encourages* UNAMA to support and facilitate cooperation between the Government of Afghanistan and the Committee to ensure that the Committee has sufficient information to consider delisting requests, and *directs* the Committee established pursuant to paragraph 30 of this resolution to consider delisting requests in accordance with the following principles, where relevant:

(a) Delisting requests concerning reconciled individuals should, if possible, include a communication from the High Peace Council through the Government of Afghanistan confirming the reconciled status of the individual according to the reconciliation guidelines, or, in the case of individuals reconciled under the Strengthening Peace Program, documentation attesting to their reconciliation under the previous program; as well as current address and contact information;

(b) Delisting requests concerning individuals who formerly held positions in the Taliban regime prior to 2002 who no longer meet the listing criteria outlined in paragraph 3 of this resolution should, if possible, include a communication from the Government of Afghanistan confirming that the individual is not an active supporter of, or participant in, acts that threaten the peace, stability and security of Afghanistan, as well as current address and contact information;

(c) Delisting requests for reportedly deceased individuals should include an official statement of death from the state of nationality, residence, or other relevant state;

22. *Requests* all Member States, but particularly the Government of Afghanistan, to inform the Committee if they become aware of any information indicating that an individual, group, undertaking or entity that has been delisted should be considered for designation under paragraph 1 of this resolution, and *further requests* that the Government of Afghanistan provide to the Committee an annual report on the status of reportedly reconciled individuals who have been delisted by the Committee in the previous year;

23. *Directs* the Committee to consider expeditiously any information indicating that a delisted individual has returned to activities set forth in paragraph 3, including by engaging in acts inconsistent with the reconciliation conditions outlined in paragraph 18 of this resolution, and *requests* the Government of Afghanistan or other Member States, where appropriate, to submit a request to add that individual's name back on the list;

24. *Decides* that the Secretariat shall, as soon as possible after the Committee has made a decision to remove a name from the List, transmit the decision to the Government of Afghanistan and the Permanent Mission of Afghanistan for notification, and the Secretariat should also, as soon as possible, notify the Permanent Mission of the State(s) in which the individual or entity is believed to be located and, in the case of non-Afghan individuals or entities, the State(s) of nationality, and *decides* further that States receiving such notification take measures,

in accordance with domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

Review and Maintenance of the List

25. *Recognizes* that the ongoing conflict in Afghanistan, and the urgency that the Government of Afghanistan and the international community attach to a peaceful political solution to the conflict, requires timely and expeditious modifications to the List, including the addition and removal of individuals and entities, *urges* the Committee to decide on delisting requests in a timely manner, *requests* the Committee to review each entry on the list on a regular basis, including, as appropriate, by means of reviews of individuals considered to be reconciled, individuals whose entries lack identifiers, individuals reportedly deceased, and entities reported or confirmed to have ceased to exist, *directs* the Committee to establish guidelines for such reviews accordingly, and *requests* the Monitoring Team to circulate to the Committee every six months:

(a) A list of individuals on the List whom the Afghan Government considers to be reconciled along with relevant documentation as outlined in paragraph 21 (a);

(b) A list of individuals and entities on the List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them; and

(c) A list of individuals on the List who are reportedly deceased and entities that are reported or confirmed to have ceased to exist, along with the documentation requirements outlined in paragraph 21 (c);

26. *Urges* the Committee to ensure that there are fair and clear procedures for the conduct of its work, and *directs* the Committee to establish guidelines accordingly, as soon as possible, in particular with respect to paragraphs 9, 10, 11, 12, 17, 20, 21, 24, 25, and 27;

27. *Encourages* Member States and relevant international organizations to send representatives to meet with the Committee to share information and discuss any relevant issues, and *welcomes* periodic briefings from the Government of Afghanistan on the impact of targeted sanctions on deterring threats to the peace, stability and security of Afghanistan, as well as to support Afghan-led reconciliation;

Cooperation with Government of Afghanistan

28. *Encourages* continued cooperation amongst the Committee, the Government of Afghanistan, and UNAMA, including by identifying and providing detailed information regarding individuals and entities participating in the financing or support of acts or activities set forth in paragraph 3 of this resolution, and by inviting UNAMA representatives to address the Committee;

29. *Welcomes* the Government of Afghanistan's desire to assist the Committee in the coordination of listing and delisting requests and in the submission of all relevant information to the Committee;

New Sanctions Committee

30. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein "the Committee"), to undertake the following tasks:

(a) To consider listing requests, delisting requests and proposed updates to the existing information relevant to the List referred to in paragraph 1;

(b) To consider listing requests, delisting requests and proposed updates to the existing information relevant to section A ("Individuals associated with the Taliban") and section B ("entities and other groups and undertakings associated with the Taliban") of the Consolidated List that were pending before the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities as of the date of adoption of this resolution;

(c) To update regularly the List referred to in paragraph 1;

(d) To make accessible on the Committee's website narrative summaries of reasons for listing for all entries on the List;

(e) To review the names on the List;

(f) To make periodic reports to the Council on information submitted to the Committee regarding the implementation of the resolution, including regarding non-compliance with the measures imposed by the resolution;

(g) To ensure that fair and clear procedures exist for placing individuals and entities on the List and for removing them as well as for granting humanitarian exemptions;

(h) To examine the reports presented by the Monitoring Team;

(i) To monitor implementation of the measures imposed in paragraph 1;

(j) To consider requests for exemptions in accordance with paragraph 1 and 9;

(k) To establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

(l) To encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;

(m) To seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed above; and

(n) To examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

(o) To facilitate, through the Monitoring Team and specialized UN agencies, assistance in capacity building for enhancing implementation of the measures, upon request by Member States;

(p) To cooperate with other relevant Security Council Sanctions Committees, in particular the Committee established pursuant to resolution 1267 (1999);

Monitoring Team

31. *Decides*, in order to assist the Committee in fulfilling its mandate, that the 1267 Monitoring Team, established pursuant to paragraph 7 of resolution 1526 (2004), shall also support the Committee for a period of 18 months, with the mandate set forth in Annex A of this resolution, and *requests* the Secretary-General to make any necessary arrangements to this effect;

Coordination and Outreach

32. *Recognizes* the need to maintain contact with relevant UN Security Council Committees, international organizations and expert groups, including the Committee established pursuant to resolution 1267 (1999), the Counter Terrorism Committee (CTC), the United Nations Office of Drugs and Crime, the Counter-Terrorism Executive Directorate (CTED), and the Committee established pursuant to resolution 1540 (2004), particularly given the continuing presence and negative influence on the Afghan conflict by Al-Qaida, and any cell, affiliate, splinter group or derivative thereof;

33. *Encourages* UNAMA to provide assistance to the High Peace Council, at its request, to encourage listed individuals to reconcile;

Reviews

34. *Decides* to review the implementation of the measures outlined in this resolution in eighteen months and make adjustments, as necessary, to support peace and stability in Afghanistan;

35. *Decides* to remain actively seized of the matter.

Annex I

In accordance with paragraph 31 of this resolution, the Monitoring Team shall operate under the direction of the Committee established pursuant to resolution 1988 (2011) and shall have the following responsibilities:

(a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 31 March 2012, and the second by 31 October 2012, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

(b) To assist the Committee in regularly reviewing names on the List, including by undertaking travel and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

(c) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

(d) To submit a comprehensive program of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel;

(e) To assist the Committee with its analysis of non-compliance with the measures referred to in paragraph 1 of this resolution by collating information collected from Member States and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

(f) To present to the Committee recommendations, which could be used by member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the List;

(g) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 13;

(h) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly-reported information on a deceased individual;

(i) To consult with Member States in advance of travel to selected Member States, based on its program of work as approved by the Committee;

(j) To encourage Member States to submit names and additional identifying information for inclusion on the List, as instructed by the Committee;

(k) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the List as updated and accurate as possible;

(l) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(m) To consult with Member States and other relevant organizations and bodies, including UNAMA, and engage in regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this annex;

(n) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

(o) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

(p) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

(q) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices;

(r) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006);

(s) To assist the Committee in facilitating assistance in capacity building for enhancing implementation of the measures, upon request by Member States;

(t) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(u) To submit to the Committee within 90 days a written report and recommendations on linkages between those individuals, groups, undertakings, and entities eligible for designation under paragraph 1 of this resolution and Al-Qaida, with a particular focus on entries that appear on both the Al-Qaida Sanctions List and the List referred to in paragraph 1 of this resolution, and thereafter submit such a report and recommendations periodically;

(v) Any other responsibility identified by the Committee.